

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **95723**

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

**RECEIVED
 OVER THE COUNTER**

RECEIVED FROM: Eagle's View Management
 BY: Company, Inc.

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 424-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>400.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

COST CENTER AND OBJECT CLASS

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 IFEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

LIC NUMBER

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

RECEIPT # **95723**

DATED: 12/31/92 BY: C. Engel

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME Vmpqua # 16 UNADJUDICATED AREA ? OK DWF
RECEIPT # 95723 S W R NUMBER 428
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION 209

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 _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

April 2, 1993

SUNNYDALE LAND CO
PO BOX 10638
EUGENE OR 97440

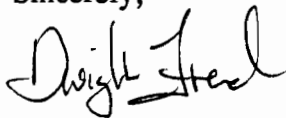
Dear SIRS/MADAMS,

This will acknowledge that your Surface Water Registration Statement in the name of SUNNYDALE LAND CO has been received by our office. The fees in the amount of \$400.00 have been received and our receipt #95723 was written. Your registration statement has been numbered SWR-428.

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,



Dwight French
Adjudication Section

Enclosure

J:\WP51\SWR\CLAIMANT\SWR-0428.001



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

SURFACE WATER REGISTRATION STATEMENT, PRE-1909
VESTED WATER RIGHT CLAIM FOR
SUNNYDALE LAND COMPANY
IN SECTIONS 15, 16, 21 & 22 T22S, R7W, W.M.
DOUGLAS COUNTY, OREGON

8. Remarks continued:

This Woolley family ranch, known as the Little Tom Ranch, was homesteaded in the period 1866 to 1892. The homesteaders raised stock and farmed, lived and died on their patented and/or purchased homestead. A family, or several family, grave is located hereon or quite close and the tombstones chronicle the generations. As years passed, economics and social pressures brought the smaller homesteads into larger ownerships and today the Woolley family owns the property. But the land continued (and continues) to produce livestock and some crops for the owners. Grazing livestock requires water nearby, so the springs and streams have furnished stockwater on a continuous basis since the land was patented. Fortunately the property has ample springs and streams for livestock. (See Map.)

The residence uses spring water for domestic purposes, including $\frac{1}{2}$ acre irrigation for garden and lawn irrigation. Gravity systems flowed from springs above the home down to the residence. Usually the residence was placed so that it would be served water by gravity from the spring.

Stock Watering Equipment

The springs and streams are improved and have distribution through 4 inch P.V.C. pipes into steel watering troughs. Gravity supplies the pressure.

Domestic (Expanded) Systems

The domestic systems receive water from the springs through 2 inch P.V.C. pipes by gravity. Each house currently has its own pressurized system, powered by a small electric motor, with small pressure tank. The garden and lawn irrigation systems are customized to fit the local situation.

PHONE: (503) 672-4074

OFFICE: 433 S.E. MAIN

Shaner Engineering, Inc.

FAX: (503) 673-7135

CIVIL ENGINEERING IN THE NORTHWEST

MAIL: P.O. BOX 1430 • ROSEBURG, OREGON 97470

December 29, 1992

Oregon Water Resources Dept.
3850 Portland Road, N.E.
Salem, Oregon 97310

re: Registration of
Pre-1909 W.R. for
Sunnydale Land Co.

Attention: Adjudication Section

Dear Sirs:

Enclosed is the application for Water Use Registration for Adjudication for Sunnydale Land Co. in Sections 15, 16, 21 & 22, T22S, R7W, W.M., Douglas County, Oregon. Enclosed are documents and a check.

Yours truly,

Bruce A Shaner
Bruce A. Shaner,
C.W.R.E.

Encl: as above

cc: Donna P. Woolley

HAND DELIVERED

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Donna P. Wooley, a citizen of the United States of America, residing at 4238 Highway No. 38 West, Drain, Oregon 97435, being first duly sworn, on oath, depose and say:

I am now the age of 66 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1926.

I was born on the Sunnydale Ranch between Drain and Elkton and have lived in the Drain area all my life. I married Harold Woolley in December, 1952. He passed away in 1970 and I have managed the Woolley properties since that time. I personally have been on and over the Woolley Ranch Lands that are addressed in these Pre 1909 Water Right Registrations.

Our Woolley Family has always raised stock (or leased the lands for stock raising) on our ranch holdings in the Drain-Elkton area. The stock, cattle and sheep, have always watered at the springs and creeks on these ranches. Also, the residences on the ranches use spring water for domestic use and irrigation of 0.5 acre for lawn and garden.

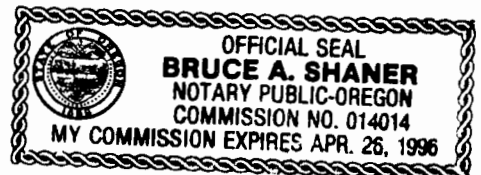
To the best of my knowledge all the ranches that we now own have been in continuous ranch and farm management and production since they were homesteaded in the middle 1800's. In addition the springs and creeks have always been used for stock watering and for domestic use of the residences thereon, normally including irrigation of 0.5 acre lawn and garden.

It is our intention to continue good management of these ranch lands, including the use of the springs and creeks for stock water, domestic use, fire protection and general farm and ranch purposes.

Donna P. Wooley

SUBSCRIBED & SWORN to before me on this 28th day of December, 1992.

Bruce A. Shaner
Notary Public for Oregon
My Commission Expires: Apr. 26, 1996



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Alta Jewel Licklider a citizen of the United States, residing at Elkton, Oregon 97436, being first duly sworn, on oath, depose and say:

I am now the age of 78 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1914.

I was married to Milton Compton about 1937 and we lived on the Compton Ranch on the Umpqua River near Elkton on the Ira Wells Donation Land Claims in T22, R8W and T23S, R8W, W.M., Douglas County, Oregon. During the years 1937 through 1965 (when my husband Milton passed away), we raised stock on the Compton Ranch and also leased the Harold Woolley ranches between Drain and Elkton for stock grazing. As I recall, we ran stock on the Woolley ranches in the drainages of the following streams: Tom Foley Creek, Brush Creek, Hardscrabble Creek, Jack Creek, Jorney Creek and Parker Creek. There may have been more. (I personally participated in the ranch work.) The springs and creeks were used for stockwatering and for domestic use by the residences on the Woolley Ranches...

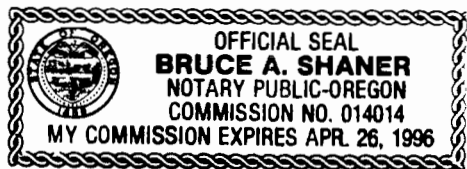
When my husband, Milton Compton, passed away in 1965, I ran the Compton ranch for two years alone, before selling to Harold Woolley in 1967.

The Woolley ranches have been used continuously for stock raising and farming since they were homesteaded in the middle to late 1800's. The use of the springs has also been continuous, both to my personal knowledge and local history.

Alta J. Licklider

SIGNED & SWORN to before me on this
7th day of December, 1992,

Bruce A. Shaner
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Daniel George Woolley, a citizen of the United States of America, residing at 363 Rustic Lane Drain, Oregon 97435, being first duly sworn, on oath, depose and say:

I am now the age of 36 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1956. I have lived in and near Drain, Oregon, all my life.

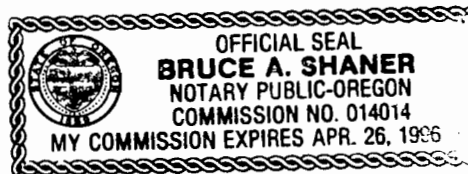
Our Woolley Family has always raised stock (or leased the lands for stock raising) on our ranch holdings in the Drain-Elkton area. The stock, cattle and sheep, have always watered at the springs and creeks on these ranches. Also, the residences on the ranches use spring water for domestic use and irrigate 0.5 acre for lawn and garden.

During the period of 1977 through 1981 I personally managed the Woolley Ranches for stock raising and crops of oats, barley and alfalfa. During that time we ran mostly cattle with some sheep. As above, the stock was watered by the springs and creeks of each ranch.

Daniel G. Woolley

SUBSCRIBED & SWORN to before me on this 21 day of Dec., 1992.

Bruce A Shaner
Notary Public for Oregon
My Commission Expires: April 26, 1996



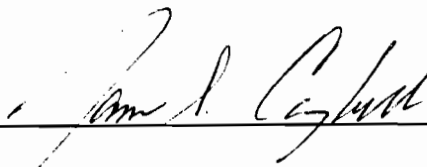
A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, James Scott Campbell, a citizen of the United States of America, residing at 1860 HEWSON RD, ROSEBURG, OR. Roseburg, Oregon 97470, being first duly sworn, on oath, depose and say:

I am now the age of 41 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1974.

I have worked as a forester and land manager for Woolley Enterprises, Inc. for six years, including the past two years as land manager. During my period of work and management the company lands located between Drain and Elkton (and other lands) have been leased for cattle grazing and used on a continuous basis. The cattle have drunk their water from the springs and creeks on each ranch. In addition the residences on the various ranches have been using spring water for domestic purposes, including 0.5 acre each for lawn and garden.



SUBSCRIBED & SWORN to before me on this
21 day of December, 1992.

Bruce A Shaner
Notary Public for Oregon
My Commission Expires: April 26, '96



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Melvin Eugene Ross, a citizen of the United States, residing at Route 1, box 270, Drain, Oregon 97435, being first duly sworn, on oath, depose and say:

I am now the age of 82 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1910.

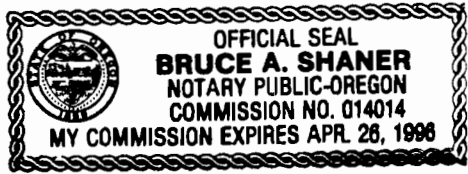
BM

I was born in Canyonville, Oregon and our family moved to Drain on Hardscrabble Creek, in 1924. I have lived in the Drain area ever since and knew many of the original homesteaders and families. At one time I owned a grocery store in Drain. Also I worked some on the Woolley Ranches. To my knowledge, the Woolley Ranches in the Drain and Elkton area have always ~~have always~~ been operated as stock ranches and farms on a continuous basis and the springs have been used for stock watering and domestic use in the residences, including irrigation for 1/2 acre lawn and garden.

Melvin E Ross

SIGNED & SWORN to before me on this
7th day of December, 1992,

Bruce A Shaner
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, George Donald Parrish, a citizen of the United States, residing at 30809 Oregon Highway No. 38, Elkton, Ore., being first duly sworn, on oath, depose and say:

I am now the age of 64 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1947.

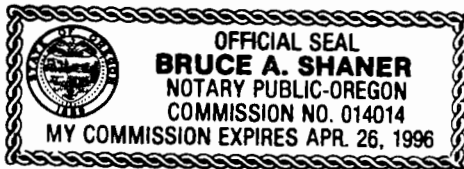
During the period of 1947 through 1988 I worked for the Douglas Electric Cooperative, who supplies power to much of Northern Douglas County, including the Drain to Elkton area. I regularly visited the Woolley (& other) ranches during the course of my work as line repair and construction supervisor and observed cattle and stock ranching, residences occupied, etc. on said Woolley ranches. They were all managed for stock and most had residences occupied. The many springs were used for stock watering and as domestic watering for the residences, including usually 1/2 acre of irrigation for lawn and garden at the residences.

Also, I was acquainted with Harold Woolley, owner of the Woolley Ranches. We often fished together and I would regularly hunt these ranches, observing said ranching and domestic activities while thereon. The ranches were worked on a continuous basis by the Woolley family and their operators.

George Donald Parrish

SIGNED & SWORN to before me on this
7th day of December, 1992,

Bruce A Shaner
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Carol Ann Whipple, a citizen of the United States, residing at 21755 Oregon Highway No. 38, Elkton, Oregon 97436, being first duly sworn, on oath, depose and say:

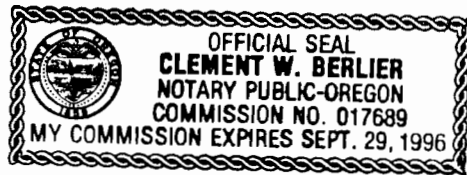
I am now the age of 44 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1948.

I have lived in Drain and Elkton all my life and have been engaged in ranching on my and the Whipple family lands all my life, except during my college years. I have been generally familiar with the area between Drain and Elkton, including lands owned by the Harold and Donna Woolley family therein. To the best of my knowledge, ~~cattle~~^{livestock} ranching has been carried on continuously by the Woolleys and previous owners on these ranches that the Woolleys' now own and the ~~cattle~~^{livestock} have been watered at the springs and waterholes on these ranches.

Carol Ann Whipple

SIGNED & SWORN to before me on this
9TH day of DECEMBER, 1992,

Clement W. Berlier
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Quentin Raphael Rychard, a citizen of the United States, residing at 500 Rock Creek Road, Drain, Oregon 97435. being first duly sworn, on oath, depose and say:

I am now the age of 68 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1923.

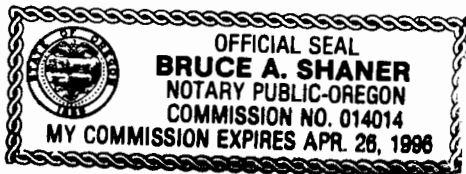
I was born in the Hayhurst Community about 1 mile Southwest of Drain and have lived in the Drain area all of my life. During the period of 1968 through 1978 I was ranching superintendent for Harold Woolley and lived on the Hardscrabble Creek Ranch. We ran about 500 cattle, total, over the Woolley Ranches at that time. The springs were used for stock watering on each ranch, and in addition the residences on each ranch used springwater for domestic use, including irrigation of 1/2 acre for lawn and garden.

To my knowledge and according to local history, ranching, stock raising and farming has been continuous on the Woolley ranches in the Drain and Elkton area since they were homesteaded in the middle to late 1800's. The springs on these ranches were and are sources of water for the stock and for domestic uses. Many of the descendants of the original homesteaders still live in the area and have confirmed this to me.

Quentin Raphael Rychard

SIGNED & SWORN to before me on this
7th day of December, 1992,

Bruce A Shaner
Notary Public for Oregon



BARGAIN AND SALE DEED

DONALD W. WOOLLEY, Grantor, conveys to SUNNYDALE LAND COMPANY, an Oregon Corporation, Grantee, that certain real property located in Douglas County, Oregon, and more particularly described as:

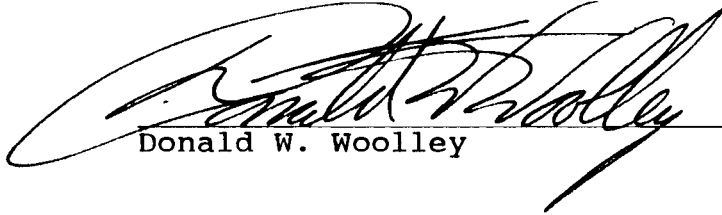
Please refer to Exhibit "A" attached hereto and by reference incorporated herein.

The true and actual consideration for this conveyance is other value given.

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

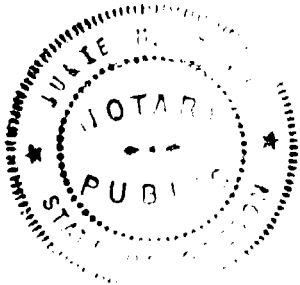
P.O. Box 10638
Eugene, Oregon 97440-2638

Dated this 23rd day of October, 1991.


Donald W. Woolley

STATE OF Oregon)
County of Lane) ss.

Personally appeared before me the above-named DONALD W. WOOLLEY and acknowledged the foregoing instrument to be his voluntary act.



Julie M. Stelle
Notary Public for Oregon
My commission expires 3-16-94

AFTER RECORDING RETURN TO:

✓ Sunnydale Land Company
P.O. Box 10638
Eugene, OR 97440-2638

PARCEL 1:

All that part of the D.L.C. of William Hancock, and wife, being Claim No. 45, in Sections 15, 16, 21 and 22, in Township 22 South, Range 7 West, W.M., and all that part of the North half of the South half ($N\frac{1}{2}S\frac{1}{2}$) and Lots 1, 2 and 3 of Section 16, in said Township 22 South, Range 7 West, Willamette Meridian, lying and being on the North side of Elk Creek as the same runs through said section, all in Douglas County, Oregon.

PARCEL 2:

The Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), the Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SW\frac{1}{4}$), and Lot 1, Section 15, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

PARCEL 3:

The Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$), and that part of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) northerly of the center line of the old Hancock Mountain Road, Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT that portion as conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

PARCEL 4:

Lot 1, Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

PARCEL 5:

The Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT that part described in deed to Roy R. Wells, recorded March 1, 1907, in Volume 55 of Deeds, at page 296, Deed Records, Douglas County, Oregon.

EXCEPT that portion conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

PARCEL NO. 6:

Lots 42 to 260, inclusive, SUNNYDALE ORCHARDS, Douglas County, Oregon.
EXCEPTING THEREFROM the following:
Lots 57, 66, 67, 68, 112, 153, 154 to 159, inclusive, and 200 to 205, inclusive.

ALSO the West half of the Southwest quarter of the Northwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3;

North half of the Northeast quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), North half of the Southeast quarter of the Northeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), South half of the Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), that part of the West half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) which is unplatted, and the Southwest quarter (SW $\frac{1}{4}$) of Section 4;

East half of the Northwest quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 9;

Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 10;

All in Township 22 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon.

ALSO, BEGINNING at a 5/8" iron rod in the North right of way line of the Umpqua Highway (Ore No. 38) from which the quarter corner between Sections 10 and 15 Township 22 South, Range 6 West, Willamette Meridian bears N 82° 20' 30" E 1313.4 ft; thence N 1° 55' E 169.3 ft. to a 5/8" iron rod in the South boundary of Sunnydale Orchards as platted and filed in the office of the County Clerk of Douglas County, Oregon; thence N 89° 58' W 1398.4 ft along the South boundary of said Sunnydale Orchards to a 5/8" iron rod at the Northeast corner of Lot 153 Sunnydale Orchards; thence S 0° 30' 30" E 656.6 feet along the East line of said Lot 153 to a 5/8" iron rod on the North right of way line of said highway; thence along said right of way line N 69° 50' E 1089.6 feet to the beginning of a curve to the right, radius 4337.5 feet, and along said curve the long chord of which bears N 73° 00' 30" E. 381.3 feet to the place of beginning.

Parcel 7

Lots 154 to 159, inclusive, and Lots 200 to 205, inclusive, SUNNYDALE ORCHARDS, Douglas County, Oregon.

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED
1991 DEC -5 AM 9:58

GAY FIELDS
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *[Signature]*
DEPUTY

Bargain and Sale Deed EXHIBIT A - Page A-2

91-18820

33
82 5 00
77 7 84

NORMAN A. RYDELL, CLAUDINE C. RYDELL, ANNE (E. A.) RUST, DONNA P. WOOLLEY, and ROBERT A. MILLER, Personal Representative of the Estate of MONA B. RYDELL, Deceased, Grantors, hereby convey to DONALD W. WOOLLEY, Grantee, all of their right and title to and interest in the property in Douglas County, Oregon, described on Schedule A attached hereto and by this reference made a part hereof, including any hereinafter-acquired interest in said property.

The true consideration for this conveyance is \$0, this Deed being given to clear title to the property from any interest of which Grantors may now have or hereafter acquire therein.

DATED this 3rd day of October, 1989.

ESTATE OF MONA B. RYDELL,
DECEASED

BY [Signature]
Robert A. Miller, Personal
Representative

[Signature]
Norman A. Rydell

[Signature]
Claudine C. Rydell

[Signature]
Anne (E. A.) Rust

[Signature]
Donna P. Woolley

STATE OF OREGON)
) SS
COUNTY OF LANE)

October 10, 1989

Personally appeared the above-named NORMAN A. RYDELL, CLAUDINE C. RYDELL, and ANNE (E. A.) RUST and acknowledged the foregoing to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My commission expires: 9-30-91

STATE OF OREGON)
) SS
COUNTY OF LANE)

October 30, 1989

Personally appeared the above-named DONNA P. WOOLLEY and ROBERT A. MILLER, Personal Representative of the Estate of Mona B. Rydell, Deceased, and acknowledged the foregoing to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My commission expires: 3-16-90

Grantors: Norman A. Rydell, et al.
 c/o Robert A. Miller
 P.O. Box 10332
 Eugene, Oregon 97440

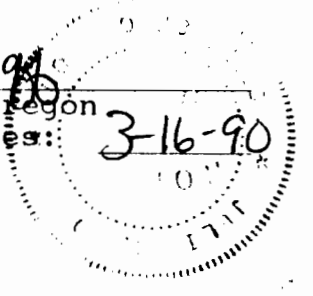
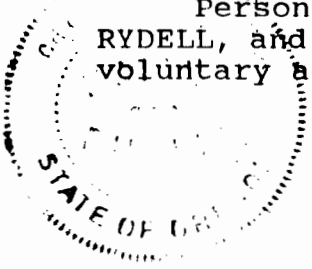
Grantee: Donald W. Woolley
 P.O. Box 10638
 Eugene, Oregon 97440-2638

Send all tax statements to:

Donald W. Woolley
P.O. Box 10638
Eugene, Oregon 97440-2638

After recording, return to:

Donald W. Woolley
P.O. Box 10638
Eugene, Oregon 97440-2638



Parcel No. 1:

Lots 42 to 260, inclusive, SUNNYDALE ORCHARDS, Douglas County, Oregon.

EXCEPTING THEREFROM the following:

Lots 57, 66, 67, 68, 112, 153, 154 to 159, inclusive, and 200 to 205, inclusive.

ALSO the West half of the Southwest quarter of the Northwest quarter (W1/2SW1/4NW1/4) of Section 3;

North half of the Northeast quarter (N1/2NE1/4), Southwest quarter of the Northeast quarter (SW1/4NE1/4), North half of the Southeast quarter of the Northeast quarter (N1/2SE1/4NE1/4), South half of the Northwest quarter (S1/2NW1/4), that part of the West half of the Southeast quarter (W1/2SE1/4) which is unplatted, and the Southwest quarter (SW1/4) of Section 4;

East half of the Northwest quarter (E1/2NW1/4) of Section 9;

Northwest quarter of the Northeast quarter (NW1/4NE1/4) of Section 10;

All in Township 22 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon.

ALSO BEGINNING at a 5/8" iron rod in the North right of way line of the Umpqua Highway (Ore No. 38) from which the quarter corner between Sections 10 and 15 Township 22 South, Range 6 West, Willamette Meridian bears N 82° 20' 30" E 1313.4 ft.; thence N 1° 55' E 169.3 ft. to a 5/8" iron rod in the south boundary of Sunnydale Orchards as platted and filed in the office of the County Clerk of Douglas County, Oregon; thence N 89° 58' W 1398.4 ft. along the South boundary of said Sunnydale Orchards to a 5/8" iron rod at the Northeast corner of Lot 153 Sunnydale Orchards; thence S 0° 30' 30" E 656.6 feet along the East line of said Lot 153 to a 5/8" iron rod on the North right of way line of said highway; thence along said right of way line N 69° 50' E 1089.6 feet to the beginning of a curve to the right, radius 4337.5 feet, and along said curve the long chord of which bears N 73° 00' 30" E. 381.3 feet to the place of beginning.

PARCEL NO. 2:

Lots 154 to 159, inclusive, and Lots 200 to 205, inclusive, SUNNYDALE ORCHARDS, Douglas County, Oregon.

PARCEL NO. 3:

All that part of the D.L.C. of William Hancock, and wife, being Claim No. 45, in Sections 15, 16, 21 and 22, in Township 22 South, Range 7 West, W.M., and all that part of the North half of the South half (N1/2S1/2) and Lots 1, 2 and 3 of Section 16, in said Township 22 South, Range 7 West, Willamette Meridian, lying and being on the North side of Elk Creek as the same runs through said section, all in Douglas County, Oregon.

PARCEL NO. 4:

The Northwest quarter of the Southwest quarter (NW1/4SW1/4), the Southeast quarter of the Southwest quarter (SE1/4SW1/4), and Lot 1, Section 15, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

PARCEL NO. 5:

The Northeast quarter of the Northwest quarter (NE1/4NW1/4), and that part of the Southeast quarter of the Northwest quarter (SE1/4NW1/4) northerly of the center line of the old Hancock Mountain Road, Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT that portion as conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

PARCEL NO. 6:

Lot 1, Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING therefrom that portion conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

PARCEL NO. 7:

The Southwest quarter of the Northwest Quarter (SW1/4NW1/4) of Section 22, Township 22 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT that part described in deed to Roy R. Wells, recorded March 1, 1907, in Volume 56 of Deeds, at page 296, Deed Records, Douglas County, Oregon.

EXCEPT that portion conveyed to the State of Oregon by deed recorded in Book 505, records of Douglas County, Oregon, Recorder's No. 72-14662.

STATE OF OREGON |
 COUNTY OF DOUGLAS | SS.
 I, GAY FIELDS, COUNTY CLERK AND RECORDER
 OF CONVEYANCES, DO HEREBY CERTIFY THAT
 THIS INSTRUMENT WAS RECORDED

1989 OCT 31 PM 2:34

GAY FIELDS
 DOUGLAS COUNTY CLERK
 IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *Gloria G. Bennett*
 DEPUTY

FEE 15.00 Pd

89-16827

Filed for Record the 31
Cat. A. D. 1892
Recorded Oct. 31. 1892
5th Bureau County Clerk.
J. L. Chapman Deputy.
Printed, Lithographed and Bound by S. L. Cook

Vol. 28, Page 79
Dobbs 79 79

O & C R R Company to Harriet Griffin

Deed No 1739.

Issued for Contract No. 1305.

This indenture made this 5th day of August A.D. 1891 between the Oregon and California Railroad Company, a corporation duly incorporated under the laws of the State of Oregon, party of the first part, and Harriet Griffin party of the second part.

Witnesseth, That whereas the party of the first part did on the sixth day of May A.D. 1881, by its Contract numbered 1305, sell and agree to convey unto Jay Shephard the land herein after described, for the sum and price of One hundred and ten 7/10 (\$110 7/10) dollars to be paid as in said contract provided, and

Whence, said purchase price has been fully paid to the party of the first part, and said Harriet Griffin is assignee of said Jay Shephard, has thereby become entitled to a conveyance from the party of the first part of all the right, title and interest which it, the party of the first part, has or may hereafter acquire from the United States in and to said land: and

Whence by the judgment and decree of the District Court of the State of Oregon for the County of Multnomah, rendered on the 12th day of July A.D. 1890, in a suit in equity, in which James Steel was plaintiff and said Oregon and California Railroad Company and the Union Trust Company, a corporation incorporated under the laws of the State of New York were defendants and appeared in said suit, it was found, adjudged and decreed by said Court that land which had been sold by the party of the first part prior to the 12th day of May A.D. 1887 was not included in or covered by that certain deed of trust executed by the said Oregon and California Railroad Company to said Union Trust Company, on the 1st day of July A.D. 1887 which trust deed is duly recorded in its records of Mortgage for said County of Douglas in the State of Oregon, and it was further decreed that said trust deed is not a lien upon such land, and that said Union Trust Company has no right under the terms of said trust deed to or any interest in the money received by said Oregon and California Railroad Company for land so sold by it prior to said 12th day of May A.D. 1887 which judgment and decree is now in full force and effect, and is also recorded in the record of Mortgage for said County of Douglas

It is therefore, in consideration of the premises, and of the payment to the party of the first part of the said sum of

One hundred & ten $\frac{2}{3}$ Dollars ($110\frac{2}{3}$) the receipt whereof is hereby acknowledged by the said Oregon and California Railroad Company party of the first part done hereby grant and convey unto said party of the second part her heirs and assigns, all of its said land which is known and described as follows to-wit: The South East quarter of the South West quarter and lot (cont) one in Section fifteen (15) Township twenty two (22) South Range Seven (7) West Willamette Meridian containing according to the United States survey thereof fifty five $\frac{1}{4}$ acres or the same more or less.

To hold the said premises with the appurtenances thereto unto the said party of the second part her heirs and assigns forever, reserving however, a strip of land one hundred feet wide to be used by the Oregon and California Railroad Company for right-of way and other railroad purposes, when the railroad of said Oregon and California Railroad Company, or any of its branches is or shall be located upon the premises; and the right to take all water needed for the operating of said railroad, also reserving and excepting from said described premises so much, and such parts thereof as may be mineral lands other than coal or iron.

And the said party of the second part does hereby for herself and her heirs and assigns covenant with the said Oregon and California Railroad Company its successors and assigns that she will erect and maintain on the boundary line or boundary lines between said premises and such right-of way, a good lawful and substantial fence sufficient to turn stock

In witness whereof the said party of the first part has caused these presents to be sealed with its seal and executed by its 2nd Vice President and Secretary, and the party of the second part has hereunto set her hand and seal the day and year first above written.

In Presence of
David Loring
R. M. Murphy
(Circular Seal)

The Oregon and California Railroad Company
By R. Koshler 2nd Vice President
The Oregon and California Railroad Company
By Geo. H. Anderson Secretary

I, G G Brown, Clerk of the State Land Board of the State of Oregon and custodian of the records and seal of such Board, do hereby certify that according to the records of this office the North half of the Southeast quarter and Lots One and Two of Section Sixteen Township twenty two South Range seven west of Willamette Meridian was deeded January 15, 1872 by the State to William Hancock, said deed being recorded on Page 427 in Book "A" State Record of Deeds.

In Testimony Whereof I have hereunto set my hand and affixed hereto the seal of the said Board. Done at the Capitol, at Salem Oregon this 4th day of September A.D.1906

(seal)

G G Brown
Clerk of the State Land Board

Filed Sept 5th, Recorded September 7th, 1906.

Z N Agee County Clerk
By *Ira Wimberly* Deputy

O E Remington (Lease) to

Town of Drain.

This Contract of Lease, made and entered into this 21st day of August, 1906 by and between O E Remington party of the first part and the Town of Drain, of Douglas County Oregon, a municipal corporation party of the second part,

Witnesseth; that the said party of the first part for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the party of the second part has let, remise and leased, and by these presents does let, remise, and lease unto the said party of the second part for the full period of ninety nine years from the date of the execution of this contract the following described property, to-wit;

A right of way sufficient in width to lay a pipe line for the purpose of conveying water from certain springs in Township 22 S R 5 W. W.M. to the Town of Drain for the purpose of supplying said town of Drain and the inhabitants thereof with water for fire protection and for any and all purposes for which a water system may be used; which said right of way is more particularly described as follows, to-wit;

Beginning at a point 5.99 chains South of the Northeast corner of the Warren N Goodell Donation Land Claim in Township 22 S R 5 W. W.M. Douglas County Oregon running thence East .76 chains to the plat of ground this day deeded by said O E Remington to Town of Drain for reservoir purposes. Also a right of way to lay a pipe for said water purposes in, on and across the lands of said party of the first part, from said reservoir site to the east line of the lands now owned by said party of the first part being the section line between sections 8 and 9 in said Tp 22 S R 5 W, W.M. by the most convenient and practicable route to be chosen by said party of the second part; which said right of way is to conform as nearly as practicable to the following described course, to-wit;

Beginning at a point 61 links S 58° East of the Northwest corner of Reservoir site, which site is described as follows; Beginning at a point 5.99 chains South and 2.76 chains East of the Northwest corner of said Goodell D.L.C. running thence South 32° W 140 feet, thence South 58° East 100 feet, thence North 32° East 140 feet, thence North 58° West 100 feet; thence running from said beginning point of said pipe line North 11 3/4° East 4.96 chains, North 74 1/2° East 1.32 chains, North 68° East 1.94 chains, South 62 1/2° East 2.94 chains to section line between Sections 8 and 9 in said range and Township. Said right of way for pipe line to include the lease of a sufficient amount of land on each side of said described line or its substitute to be so selected by said party of the second part to enable the installing and maintaining of said pipe line and for the full use and enjoyment thereof by said second party, its assigns or successors in interest. Said party of the second part, its assigns or successors in interest, is hereby granted the full right to enter upon said premises and upon the premises of the party of the first part at any and all times for the purpose of laying and relaying said Pipe line and keeping the same in good repair and to make all necessary excavations and improvements in connection therewith and to do and perform all things necessary to keep said line in repair and to transport said water during the period of this lease, doing no unnecessary damage to the property of said party of the first part.

In Consideration of the ~~property interest~~ foregoing lease of right of way the said party of the second part hereby undertakes and agrees to allow and permit and cause said pipe line to be tapped at a point convenient to the residence property of said party of the first part by a 1/2 inch pipe, and to carry said feed pipe to the residence property of said first party without expense to him; and further agrees to furnish said party of the first part or cause to be furnished him through said water pipe, water for domestic purposes only to the value of One Dollar per month during the continuance of this lease; said valuation and the quantity of water to be furnished thereunder being determined by the amount of water said town of its assigns or successors in interest are furnishing other private consumers of water in said town for said price of One Dollar per month.

In Witness Whereof the party of the first part has hereunto set his hand and seal and the said party of the second part by authority of its Town Council has by its Mayor and Recorder duly executed the same.

Done at Drain, Douglas County Oregon this 21st day of August 1906; and the termination of this contract is the 21st day of August 2005.

In presence of
M R Ryan
A W Oroutt

O E Remington (seal)
Town of Drain
By Ira Wimberly, Mayor
Town of Drain
By E A Johnson, Recorder

State of Oregon)
County of Douglas) ss

On this the 21st day of August 1906 before the undersigned a Notary Public in and for said County and State personally appeared O E Remington to me personally known to be the identical person whose name is subscribed to the foregoing

United States

Do

William Hancock and wife

The United States of America

To all to whom these presents shall come, greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate numbered eleven hundred and thirty of the Register and Receiver at Roseburg, Oregon, whereby it appears that under the provisions of the Act of Congress approved the 27th day of September, 1850, entitled "An Act to create the Office of Surveyor General of the Public Lands in Oregon and to provide for the survey and to make donations to settlers of the said Public Lands," and the legislation supplemental thereto, the name of William Hancock and his wife Elizabeth Hancock, of Union county, Oregon, Notification No 624, has been established to a donation of one section, or six hundred and forty acres of land and that the same has been surveyed and designated as claim number forty-five, being parts of sections fifteen, sixteen, twenty one, twenty two, and twenty eight in Township twenty two South of Range seven West according to the Official Plat of Survey returned to the General Land Office by the Surveyor General, being bounded and described as follows, to wit: Beginning at a point fifteen chains East and sixteen chains and fifty-five links North from the corner to said sections fifteen, sixteen, twenty one, and twenty two, and running thence West eighty-five chains and fifty links, thence South one hundred and two chains and twenty-three links, thence East fifty-two chains, thence North one hundred and thirty chains and twenty-three links; thence East thirty-three chains, and thence North thirty-two chains and thirty links to the place of beginning in the district of lands subject to sale at Roseburg, Oregon, containing six hundred and forty-two acres, and sixty hundredths of an acre.

Now know ye that the United States of America, in consideration of the premises, and in conformity with the provisions of the Act aforesaid, have given and granted and by these presents do give and grant unto the said William Hancock and to his heirs the North half and unto his wife the said Elizabeth Hancock and to her heirs, the South half of the tract of land above described. To have and to hold the said tract with the appurtenances unto the said William Hancock and his wife Elizabeth Hancock and to their heirs and assigns forever, their respective portions as aforesaid.

In Testimony Whereof, I, Andrew Johnson, President of the

United States, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed Given under my hand, at the City of Washington, this twenty-sixth day of July, in the year of our Lord one thousand eight hundred and sixty-seven and of the Independence of the United States the ninety second.

Seal

By the President: Andrew Johnson
By Frank Cowan, Secretary
J. W. Cranger,
Recorder of the General Land Office

Recorded, Vol 8. Page 447.

Rec'd for record at 11 o'clock A.M.

Nov. 12th 1897.

Recorded Nov 12th 1897.

John H. Shupe, Co. Clerk

By Lorna Shupe, Deputy

Eudora M. Hutchkey — To — Ernest Hutchkey

This Indenture Witnesseth, That Eudora M. Hutchkey married, for the consideration of the sum of One Hundred Dollars, to me paid, have bargained and sold, and by these presents have bargained and sold, unto Ernest Hutchkey the following described premises, to wit: The South West Quarter of Section 18 Township 2nd South of Range 6 West of the Willamette Meridian, Douglas County, Oregon, and containing One hundred and Fifty Three 7/10 Acres.

To have and to hold the said premises, with their appurtenances, unto the said Ernest Hutchkey, his heirs and assigns forever. And the said Eudora M. Hutchkey does hereby covenant to and with the said Ernest Hutchkey, his heirs and assigns, that she is the owner in fee simple of said premises; that they are free from all incumbrances and that she will warrant and defend the same from



To the following premises, situated in Douglas County, Oregon, and more particularly described as follows:

Southwest quarter of the Northwest quarter, and Lot One, of Section Twenty-two; Northwest quarter of the Southwest quarter, Southeast quarter of Southwest quarter, and Lot One, of Section Fifteen, Township Twenty-two, South Range Seven, West, Willamette Meridian,

Except that part thereof described in the deed to Ray R. Wells, recorded March 1, 1907 in Book 56 of deeds page 296 of the records of Douglas County, Oregon.

RECEIVED

DEC 31 1992

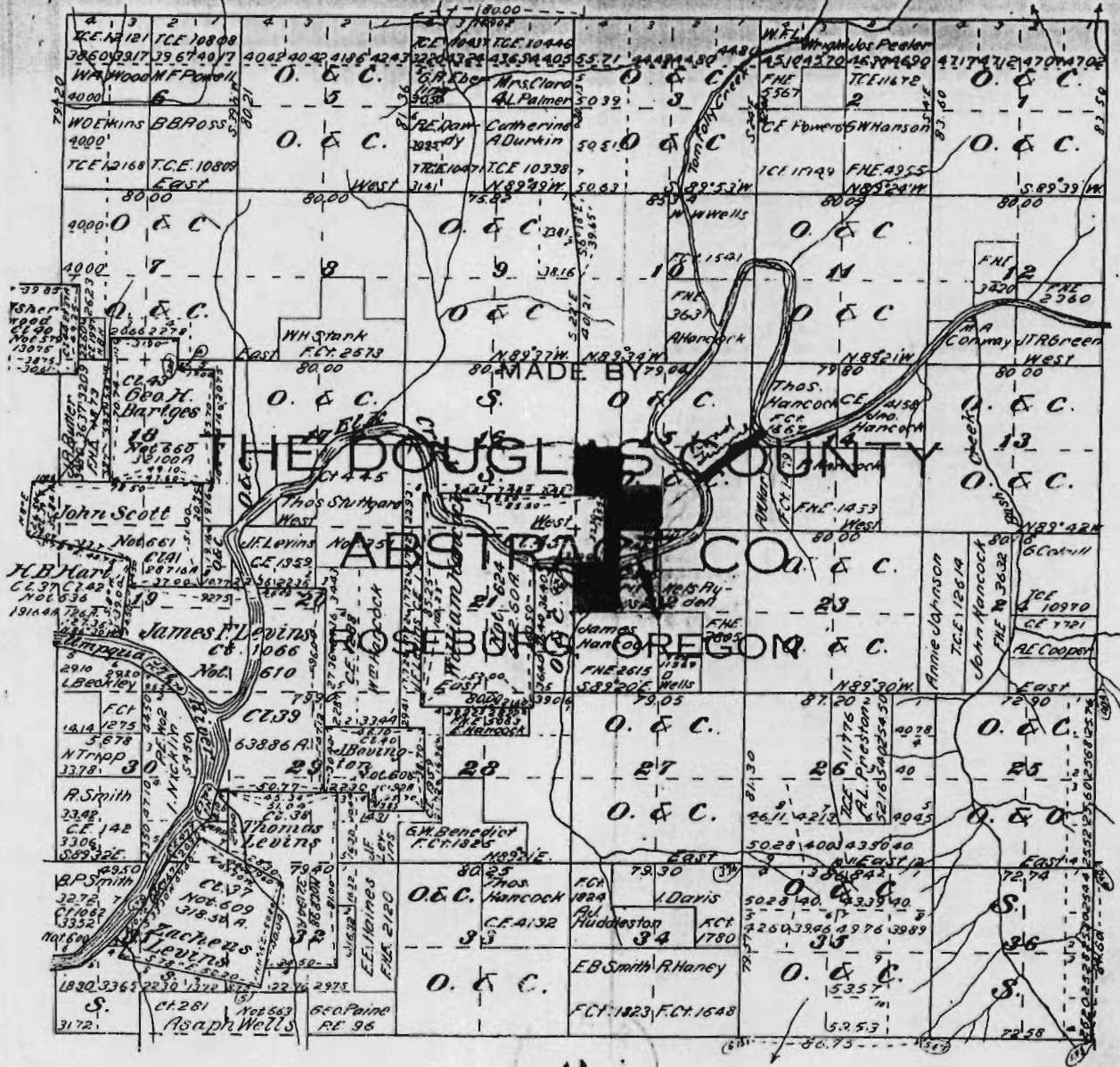
WATER RESOURCES DEPT. SALEM, OREGON



79048
B. Rydell
Dain Ore



Township No. 22 South, Range No. 7 West, of the Willamette Meridian.



public land not mineral designated by odd numbers to the amount of twenty alternate sections per mile (ten each side) of said Railroad

FROM THE OFFICE OF DOUGLAS ABSTRACT AND TRUST CO., ROSEBURG, OREGON

UNITED STATES OF AMERICA

TO
The Oregon and California Rail-
road Company,

Grantor } No.
 } United States Patent
 } Dated December 3, 1894.
 } Recorded March 7, 1896.
Grantee } In Book 34 of Deeds, Page 1-56.
 } Seal of the G. L. O. Affixed
 } Certificate No. Pat. No. 10.

Issued by Authority of the Act of Congress of July 25, 1866.
and the acts supplementary thereto.
Executed by the President. Grover Cleveland,
By the Secretary, M. McKean,
By L Q C Lamar,

Recorded Vol. 14 page 296-343. Inclusive. ^{Recorder of the General Land Office}

Description:

Patent No. 10.

Oregon and California Railroad Lands.

Primary Limits.

Oregon City, Lakeview and Roseburg Land Districts, Oregon.

The United States of America. To all to whom these
presents shall come, Greeting.

Whereas by the act of Congress approved July 25, 1896
to aid in the construction of a Railroad and Telegraph line from
Portland in Oregon, thence southerly through the Willamette Umpqua
and Rogue River Valleys to the Southern boundary of Oregon,
authority is given the Oregon and California Railroad Company of
Oregon, a corporation existing under the laws of the State "to
construct a Railroad and Telegraph line under certain Conditions
and Stipulations as expressed in said Act and Provision is made
for granting to the said Company every alternate section of
public land not mineral designated by odd numbers to the amount of
twenty alternate sections per mile (ten each side) of said Railroad

FROM THE OFFICE OF DOUGLAS ABSTRACT AND TRUST CO., ROSEBURG, OREGON

line.

And Whereas official statements from the Secretary of the Interior have been filed in the General Land Office that commissioners appointed by the President under the Provisions of the fourth section of said Act of July 25, 1866 have reported to him that the said Oregon and California Railroad and Telegraph line commencing at a point in East Portland in the County of Multnomah, State of Oregon, and ending at a point on the boundary between the States of Oregon and California where it joined the California and Oregon Railroad, a distance of three hundred and sixty miles, has been constructed and fully completed and equipped in the manner prescribed by said Act and that the same has been accepted by the President

And Whereas, certain tracts of land have been listed by the duly authorized agent of the Oregon and California Railroad Company as shown by such agents original lists of Sections approved by the local land officers and now on file in this Office.

And Whereas said tracts of land lie within the primary limits of said Grant and are particularly described as follows:

Lands in Douglas County, Oregon.

South of Base line and West of Willamette Meridian, State of Oregon

Township Twenty two Range Seven.

(Among other lands)

The South East quarter the North half the lot numbered one, the East half of the Southwest quarter and the North west

quarter of the South west quarter of section fifteen containing six hundred and fifteen acres and eighteen hundredths of an acre.

The said tracts of land as described in the foregoing make the aggregate area of two hundred and twenty nine thousand nine hundred and forty three acres and fifty two hundredths of an acre (229,943.52)

Now know ye that the United States of America in consideration of the premises and pursuant to the said acts of Congress, Have Given and Granted and by these presents Do Give and Grant unto the said Oregon and California Railroad Company of Oregon and to its assigns all the tracts of land listed as aforesaid and described in the foregoing. Yet excluding and excepting from the transfer by these presents All mineral lands should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception according to the terms of the statute shall not be construed to include Coal and Iron lands.

To have and to hold the said tracts with the appurtenances unto the said Oregon and California Railroad Company of Oregon and to its assigns forever with the exclusion and exception as aforesaid.

The Oregon Central Railroad
Company,
By I. R. Moores, President,
By Geo. E. Cole, Secretary.
Grantor.

To

The Oregon and California
Railroad Company.
Grantee.

Character of Instrument,
Deed.

Dated March 29, 1870.

Recorded March 14, 1894.

In Book 31 of Deeds, page 214.

Consideration, \$1.00 & other

Signatures are Corp. Sealed

Witnessed by two.

Acknowledged on March 29, 1870, before Murray N. Chapman, N. P.
(seal) Ore.

Granting words, grant, bargain, sell, alien, assign, transfer
and set over, enfeoff, convey and confirm and deliver.

Description and Remarks:

Deeded all the land obtained under an "Act granting land
to aid in the construction of a railroad and telegraph line
from the Central Pacific Railroad in California to Portland in
Oregon from the Oregon Central Railroad to the Oregon and
California Company.

Company,
San Holladay, President,
A. G. Cunningham, Secretary,
Grantor.

To
Milton S. Latham, Faxon D. Ather-
ton and William Norris.
Grantee.

Character of Instrument,
Deed of Trust.
Dated April 15, 1870.
Recorded April 23 1870.
In Book 4 of Deeds,
page 701.
Consideration, \$1.00
& other,
Signatures Corp. Sealed
Witnessed by two.

Acknowledged on April 18, 1870, before Geo. W. Murray , N. P.
(seal) Ore.
Granting words, grant, bargain, sell, assign, alien, set over,
enfeoffed, conveyed and confirm.

Description and Remarks:

This is a trust deed placing in trust all the lands of the Oregon and California Railroad Company granted the same by an Act of Congress and the Acts supplemental thereto which Act of Congress was approved the 25th day of July 1866 for the purpose of building the railroad from the Central Pacific Railroad in California to Portland in Oregon also all the right title interest claim and property and demand whatsoever both legal and equitable present and prospective, absolute and contingent which the party of the first part hereto has or now owns or to which it is in anyway entitled in and to any and all lands and franchises of the State of Oregon by the Act of Congress aforesaid. To hold said property in trust to secure the bond holders of 18,450 bonds and for the sole and exclusive purpose of creating a sinking fund from which the proceeds of the land when sold and when said bonds are paid with interest accrued this deed of trust shall be cancelled.



William Norris, et al to Henry Villard, et al.
Book 24 of Mortgages, page 39.

THIS INDENTURE made this twenty second day of November one thousand and eight hundred and seventy eight between William Norris of San Francisco in California of the first part, the Oregon and California Railroad Company a corporation duly organized under the laws of Oregon of the second part Heinrich Hohensemser, Philip B. Bonn, Paul Reinganum and Herman Kohler all of Frankfort on the Main in Prussia, Adolph Otto of Heilbronn in Wurtenburg, Michael Benjamin of Munich in Bavaria, Gustav Krauss of Darmstadt in Hesse all acting by Henry Villard of New York as their attorney in fact, and said Henry Villard also acting on his own behalf of the third part and the said Henry Villard and Charles E. Bretherton of San Francisco aforesaid of the fourth part, Whereas by an Indenture of Mortgage dated the fifteenth day of April one thousand eight hundred and seventy and made between the said Oregon and California Railroad Company of the first part and Milton S. Latham, Faxon D. Atherton, since deceased, and the said William Norris all of San Francisco of the second part, said Oregon and California Railroad Company granted and conveyed to said Milton S. Latham, Faxon D. Atherton and William Norris all its land granted or to be granted by the United States to said Company in pursuance of the Act of Congress approved July twenty fifth one thousand eight hundred and sixty six upon trusts set forth to secure an issue of Ten million nine hundred and fifty thousand dollars in amount of the negotiable bonds of said Company as therein described with interest as therein mentioned. And it was thereby provided that the said trustees or either of them or the survivor of them, or any successor or successors in such office might resign or discharge themselves or himself of the trust created or declared by said Indenture by notice in writing to the said Company three months before such resignations should take effect or such shorter time as they might accept as adequate. And whereas said Faxon D. Atherton died on or about the twenty ninth day of July one thousand eight hundred and seventy seven and said Milton S. Latham resigned his position of such trustee as aforesaid by notice in writing dated the thirtieth day of March in the year of our Lord one thousand eight hundred and seventy eight and which took effect on the thirtieth day of June in the year of our Lord One thousand eight hundred and seventy eight and said William Norris is the sole survivor and acting trustee of said Indenture of Mortgage above recited and it has been



between all the parties hereto that said Henry Villard and Charles E. Bretherton should be appointed trustees in place of said Faxon D. Atherton deceased and Milton S. Latham resigned. And whereas said parties of the third part are the holders of more than ten million eight hundred thousand dollars in amount of the bonds secured by said Indenture of Mortgage being a majority in interest of all said bonds now outstanding. Now this Indenture Witnesseth:

That in pursuance of said agreement said William Norris and said Oregon and California Railroad Company do with the consent of said parties of the third part hereby appoint said Henry Villard and Charles E. Bretherton trustees of said Indenture of Mortgages of April fifteenth one thousand eight hundred and seventy in the place of Faxon D. Atherton deceased and said Milton S. Latham resigned and each of them the said Henry Villard and Charles E. Bretherton doth respectively hereby accept said appointment and the trusts and duties thereof. And in further pursuance of said agreement said William Norris doth hereby grant and convey and said Oregon and California Railroad Company with the like consent as aforesaid doth hereby grant and confirm unto said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors or assigns all and singular the lands and premises comprised in and now subject to the trusts of said Indenture of Mortgage of April fifteenth one eight hundred and seventy. To hold the same unto the use of said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors and assigns as joint tenants and not as tenants in common but upon the trusts and with the powers and subject to the provisions of said Indenture of Mortgage of April fifteenth one thousand and eight hundred and seventy in the same manner as if they had been made parties of the second part thereto. In Witness whereof said parties of the first, third and fourth parts have hereunto set their hands and seals and said Oregon and California Railroad Company, party hereto of the second part has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary the day and year first above written.

Witness to all signatures
except A. G. Cunningham and
Wm Norris; Edwin F. Corey
and Geo. A. Saxer

Heinrich Hohenemser, by Henry Villard, attorney in fact (seal)
Philipp B. Bonn, by Henry Villard, his attorney in fact (seal)
Paul Reinganum by Henry Villard his attorney in fact (seal)
Herman Koehler by Henry Villard his attorney in fact (seal)

Adolph Otto, by Henry Villard, his attorney in fact (seal)
Michael Benjamin by Henry Villard his attorney in fact (seal)
Gustav Krauss by Henry Villard his attorney in fact (seal)
Witness to signature of A. G. Cunningham; Jno D. Biles,
A. Martin. Henry Villard (seal)
The O. & C. R. R. Co. (seal
of O. & C. R. R. Co.)

By Henry Villard, Pres.
The O. & C. R. R. Co.
By A. G. Cunningham, Secretary, (seal)
Wm. Norris, (seal)
Charles E. Bretherton, (seal)

Acknowledged November 22, 1878, before Edwin F. Corey, Comm. for Oregon in New York and N. P. for New York. Appeared Charles E. Bretherton and Henry Villard, and Henry Villard as President of O. & C. R. R. Co. and as attorney in fact of Heinrich Hohenems, Phillip B. Bonn, Paul Reinganum, Hermann Kohler, Adolph Otto, Michael Benjamin and Gustav Krauss. Notarial and Comm's seal affixed.

Acknowledged December 14, 1878 before Jno. D. Biles, N. P. Ore. (seal) Appeared A. G. Cunningham as Sec'y of O. & C. R. R. Co. and as party to foregoing instrument.

Acknowledged December 2, 1878 before John H. B. Wilkins, Comm. for Oregon in California. Appeared William Norris, seal affixed.

NOTE: Henry A. Gumbleton, Clerk of New York Co., N. Y. certifies as to the official character of Edwin F. Corey, N. P. for N. Y. January 2, 1879. Seal affixed.

Received for Record Jan. 21, 1879, at 11, A. M.

NOTE: F. S. Fields, Clerk of Multnomah Co. certifies that the foregoing copy of mortgage recorded in Book "Q" page 372 is a correct transcript of the original and of the whole thereof on July 25, 1907 (seal) Recorded August 1, 1907.

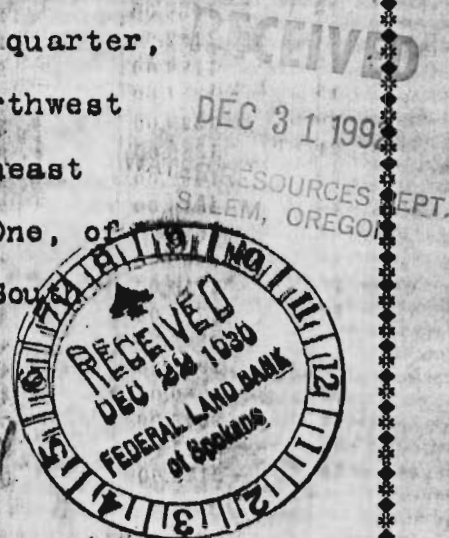
In Book 24 of Mort., page 39-41.



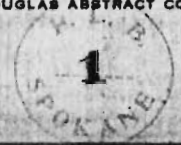
To the following premises, situated in Douglas County, Oregon, and more particularly described as follows:

Southwest quarter of the Northwest quarter, and Lot One, of Section Twenty-two; Northwest quarter of the Southwest quarter, Southeast quarter of Southwest quarter, and Lot One, of Section Fifteen, Township Twenty-two, South Range Seven, West, Willamette Meridian.

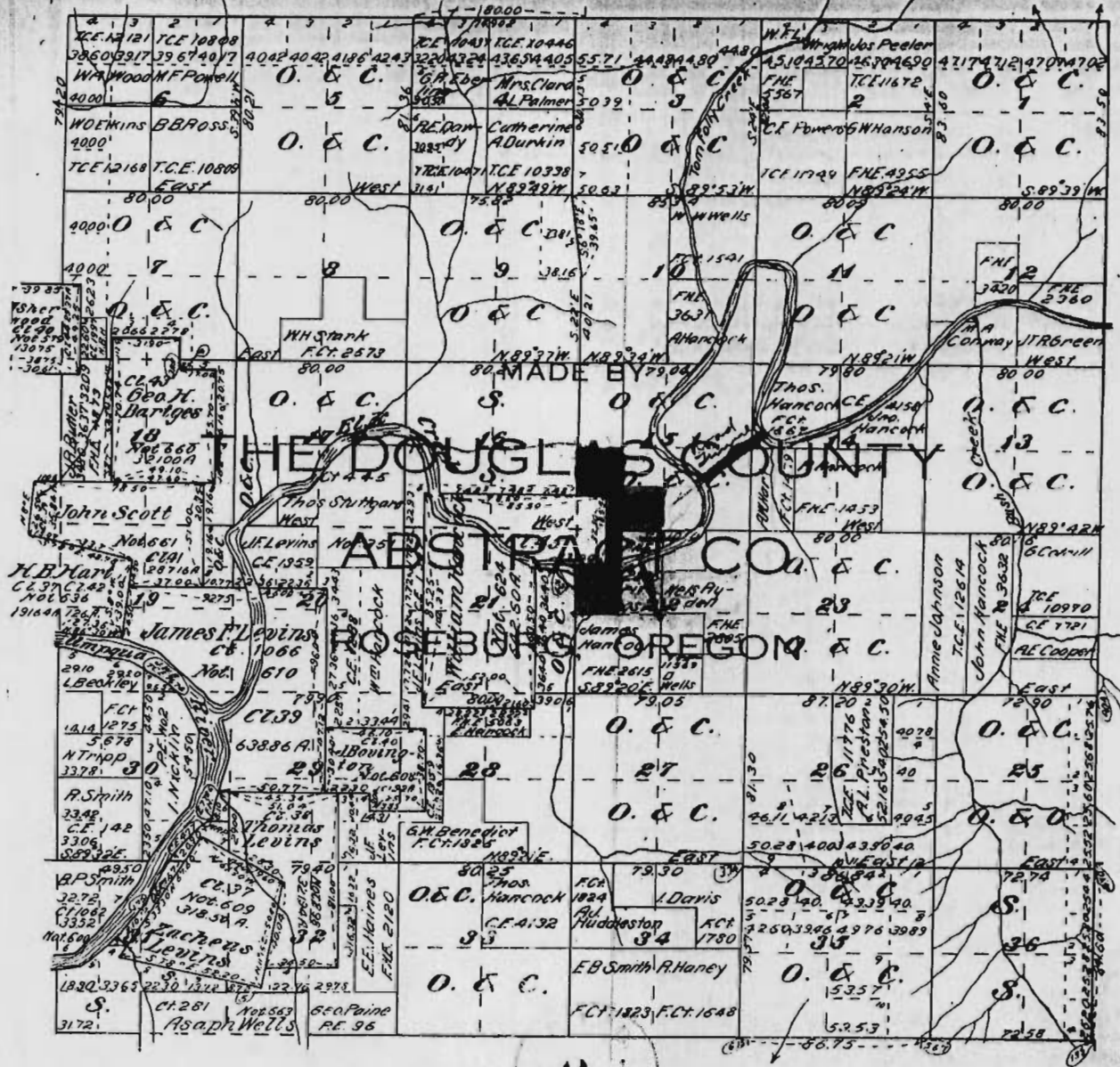
Except that part thereof described in the deed to Ray R. Wells, recorded March 1, 1907 in Book 56 of deeds page 296 of the records of Douglas County, Oregon



79048
ba Rydell
Drain Ore



Township No. 22 South, Range No. 7 West, of the Willamette Meridian.



public land not mineral designated by odd numbers to the amount of twenty alternate sections per mile (ten each side) of said Railroad

FROM THE OFFICE OF DOUGLAS ABSTRACT AND TRUST CO., ROSEBURG, OREGON

UNITED STATES OF AMERICA

TO
The Oregon and California Rail-
road Company,

Grantor } No.
United States Patent
Dated December 3, 1894.
Recorded March 7, 1896.
In Book 34 of Deeds, Page 1-56.
Grantee } Seal of the G. L. O. Affixed
Certificate No. Pat. No. 10.

Issued by Authority of the Act of Congress of July 25, 1866.
and the acts supplementary thereto.
Executed by the President. Grover Cleveland,
By the Secretary, M. McKean,
By L Q C Lamar,

Recorded Vol. 14 page 296-343. Inclusive. ^{Recorder of the General Land Office}

Description:

Patent No. 10.

Oregon and California Railroad Lands.

Primary Limits.

Oregon City, Lakeview and Roseburg Land Districts, Oregon.

The United States of America, To all to whom these
presents shall come, Greeting.

Whereas by the act of Congress approved July 25, 1896
to aid in the construction of a Railroad and Telegraph line from
Portland in Oregon, thence southerly through the Willamette Umpqua
and Rogue River Valleys to the Southern boundary of Oregon,
authority is given the Oregon and California Railroad Company of
Oregon, a corporation existing under the laws of the State "to
construct a Railroad and Telegraph line under certain Conditions
and Stipulations as expressed in said Act and Provision is made
for granting to the said Company every alternate section of
public land not mineral designated by odd numbers to the amount of
twenty alternate sections per mile (ten each side) of said Railroad

FROM THE OFFICE OF DOUGLAS ABSTRACT AND TRUST CO., ROSEBURG, OREGON

line.

And Whereas official statements from the Secretary of the Interior have been filed in the General Land Office that commissioners appointed by the President under the Provisions of the fourth section of said Act of July 25, 1866 have reported to him that the said Oregon and California Railroad and Telegraph line commencing at a point in East Portland in the County of Multnomah, State of Oregon, and ending at a point on the boundary between the States of Oregon and California where it joined the California and Oregon Railroad, a distance of three hundred and sixty miles, has been constructed and fully completed and equipped in the manner prescribed by said Act and that the same has been accepted by the President

And Whereas, certain tracts of land have been listed by the duly authorized agent of the Oregon and California Railroad Company as shown by such agents original lists of Sections approved by the local land officers and now on file in this Office.

And Whereas said tracts of land lie within the primary limits of said Grant and are particularly described as follows:

Lands in Douglas County, Oregon.

South of Base line and West of Willamette Meridian, State of Oregon

Township Twenty two Range Seven.

(Among other lands)

The South East quarter the North half the lot numbered one, the East half of the Southwest quarter and the North west

quarter of the South west quarter of section fifteen containing six hundred and fifteen acres and eighteen hundredths of an acre.

The said tracts of land as described in the foregoing make the aggregate area of two hundred and twenty nine thousand nine hundred and forty three acres and fifty two hundredths of an acre (229,943.52)

Now know ye that the United States of America in consideration of the premises and pursuant to the said acts of Congress, Have Given and Granted and by these presents Do Give and Grant unto the said Oregon and California Railroad Company of Oregon and to its assigns all the tracts of land listed as aforesaid and described in the foregoing. Yet excluding and excepting from the transfer by these presents All mineral lands should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception according to the terms of the statute shall not be construed to include Coal and Iron lands.

To have and to hold the said tracts with the appurtenances unto the said Oregon and California Railroad Company of Oregon and to its assigns forever with the exclusion and exception as aforesaid.

The Oregon Central Railroad
Company,
By I. R. Moores, President,
By Geo. E. Cole, Secretary,
Grantor.

Character of Instrument,
Deed.
Dated March 29, 1870.
Recorded March 14, 1894.
In Book 31 of Deeds, page 214.
Consideration, \$1.00 & other
Signatures are Corp. Sealed
Witnessed by two.

To

The Oregon and California
Railroad Company.
Grantee.

Acknowledged on March 29, 1870, before Murray N. Chapman, N. P.
(seal) Ore.
Granting words, grant, bargain, sell, alien, assign, transfer
and set over, enfeoff, convey and confirm and deliver.

Description and Remarks:

Deeded all the land obtained under an Act granting land
to aid in the construction of a railroad and telegraph line
from the Central Pacific Railroad in California to Portland in
Oregon from the Oregon Central Railroad to the Oregon and
California Company.

Company.
Ben Holladay, President,
A. G. Cunningham, Secretary,
Grantor.

To
Milton S. Latham, Faxon D. Ather-
ton and William Norris.
Grantee.

Character of Instrument,
Deed of Trust.
Dated April 15, 1870.
Recorded April 23 1870.
In Book 4 of Deeds,
page 701.
Consideration, \$1.00
& other.
Signatures Corp. Sealed
Witnessed by two.

Acknowledged on April 18, 1870, before Geo. W. Murray, N. P.
(seal) Ore.

Granting words, grant, bargain, sell, assign, alien, set over,
enfeoffed, conveyed and confirm.

Description and Remarks:

This is a trust deed placing in trust all the lands of the Oregon and California Railroad Company granted the same by an Act of Congress and the Acts supplemental thereto which Act of Congress was approved the 25th day of July 1866 for the purpose of building the railroad from the Central Pacific Railroad in California to Portland in Oregon also all the right title interest claim and property and demand whatsoever both legal and equitable present and prospective, absolute and contingent which the party of the first part hereto has or now owns or to which it is in anyway entitled in and to any and all lands and franchises of the State of Oregon by the Act of Congress aforesaid. To hold said property in trust to secure the bond holders of 18,450 bonds and for the sole and exclusive purpose of creating a sinking fund from which the proceeds of the land when sold and when said bonds are paid with interest accrued this deed of trust shall be cancelled.



William Norris, et al

to Henry Villard, et al.

Book 24 of Mortgages, page 39.

THIS INDENTURE made this twenty second day of November one thousand and eight hundred and seventy eight between William Norris of San Francisco in California of the first part, the Oregon and California Railroad Company a corporation duly organized under the laws of Oregon of the second part Heinrich Hohememser, Philip B. Bonn, Paul Reinganum and Herman Kohler all of Frankfort on the Main in Prussia, Adolph Otto of Heilbronn in Wurtenburg, Michael Benjamin of Munich in Bavaria, Gustav Krauss of Darmstadt in Hesse all acting by Henry Villard of New York as their attorney in fact, and said Henry Villard also acting on his own behalf of the third part and the said Henry Villard and Charles E. Bretherton of San Francisco aforesaid of the fourth part, Whereas by an Indenture of Mortgage dated the fifteenth day of April one thousand eight hundred and seventy and made between the said Oregon and California Railroad Company of the first part and Milton S. Latham, Faxon D. Atherton, since deceased, and the said William Norris all of San Francisco of the second part, said Oregon and California Railroad Company granted and conveyed to said Milton S. Latham, Faxon D. Atherton and William Norris all its land granted or to be granted by the United States to said Company in pursuance of the Act of Congress approved July twenty fifth one thousand eight hundred and sixty six upon trusts set forth to secure an issue of Ten million nine hundred and fifty thousand dollars in amount of the negotiable bonds of said Company as therein described with interest as therein mentioned. And it was thereby provided that the said trustees or either of them or the survivor of them, or any successor or successors in such office might resign or discharge themselves or himself of the trust created or declared by said Indenture by notice in writing to the said Company three months before such resignations should take effect or such shorter time as they might accept as adequate. And whereas said Faxon D. Atherton died on or about the twenty ninth day of July one thousand eight hundred and seventy seven and said Milton S. Latham resigned his position of such trustee as aforesaid by notice in writing dated the thirtieth day of March in the year of our Lord one thousand eight hundred and seventy eight and which took effect on the thirtieth day of June in the year of our Lord one thousand eight hundred and seventy eight and said William Norris is the sole survivor and acting trustee of said Indenture of Mortgage above recited and it has been

between all the parties hereto that said Henry Villard and Charles E. Bretherton should be appointed trustees in place of said Faxon D. Atherton deceased and Milton S. Latham resigned. And whereas said parties of the third part are the holders of more than ten million eight hundred thousand dollars in amount of the bonds secured by said Indenture of Mortgage being a majority in interest of all said bonds now outstanding. Now this Indenture Witnesseth:

That in pursuance of said agreement said William Norris and said Oregon and California Railroad Company do with the consent of said parties of the third part hereby appoint said Henry Villard and Charles E. Bretherton trustees of said Indenture of Mortgages of April fifteenth one thousand eight hundred and seventy in the place of Faxon D. Atherton deceased and said Milton S. Latham resigned and each of them the said Henry Villard and Charles E. Bretherton doth respectively hereby accept said appointment and the trusts and duties thereof. And in further pursuance of said agreement said William Norris doth hereby grant and convey and said Oregon and California Railroad Company with the like consent as aforesaid doth hereby grant and confirm unto said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors or assigns all and singular the lands and premises comprised in and now subject to the trusts of said Indenture of Mortgage of April fifteenth one eight hundred and seventy. To hold the same unto the use of said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors and assigns as joint tenants and not as tenants in common but upon the trusts and with the powers and subject to the provisions of said Indenture of Mortgage of April fifteenth one thousand and eight hundred and seventy in the same manner as if they had been made parties of the second part thereto. In Witness whereof said parties of the first, third and fourth parts have hereunto set their hands and seals and said Oregon and California Railroad Company, party hereto of the second part has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary the day and year first above written.

Witness to all signatures
except A. G. Cunningham and
Wm Norris; Edwin F. Corey
and Geo. A. Saxer

Heinrich Hohenemser, by Henry Villard, attorney in fact (seal)
Philipp B. Bonn, by Henry Villard, his attorney in fact (seal)
Paul Reinganum by Henry Villard his attorney in fact (seal)
Herman Koehler by Henry Villard his attorney in fact (seal)

Adolph Otto, by Henry Villard, his attorney in fact (seal)
Michael Benjamin, by Henry Villard, his attorney in fact (seal)
Witnesses to signature of A. G. Cunningham; Jno D. Biles,
A. Martin.

Henry Villard (seal)
The O. & C. R. R. Co. (seal
of O. & C. R. R. Co.)
By Henry Villard, Pres.
The O. & C. R. R. Co.
By A. G. Cunningham, Secretary, (seal)
Wm. Norris, (seal)
Charles E. Bretherton, (seal)

Acknowledged November 22, 1878, before Edwin F. Corey, Comm. for Oregon in New York and N. P. for New York. Appeared Charles E. Bretherton and Henry Villard, and Henry Villard as President of O. & C. R. R. Co. and as attorney in fact of Heinrich Hohenemser, Phillip B. Bonn, Paul Reinganum, Hermann Kohler, Adolph Otto, Michael Benjamin and Gustav Krauss. Notarial and Comm's seal affixed.

Acknowledged December 14, 1878 before Jno. D. Biles, N. P. Ore. (seal) Appeared A. G. Cunningham as Sec'y of O. & C. R. R. Co. and as party to foregoing instrument.

Acknowledged December 2, 1878 before John H. B. Wilkins, Comm. for Oregon in California. Appeared William Norris, seal affixed.

NOTE: Henry A. Gumbleton, Clerk of New York Co., N. Y. certifies as to the official character of Edwin F. Corey, N. P. for N. Y. January 2, 1879. Seal affixed.

Received for Record Jan. 21, 1879, at 11, A. M.

NOTE: F. S. Fields, Clerk of Multnomah Co. certifies that the foregoing copy of mortgage recorded in Book "Q" page 372 is a correct transcript of the original and of the whole thereof on July 25, 1907 (seal) Recorded August 1, 1907.

In Book 24 of Mort., page 39-41.



To the following premises, situated in Douglas County, Oregon, and more particularly described as follows:

Southwest quarter of the Northwest quarter, and Lot One, of Section Twenty-two; Northwest quarter of the Southwest quarter, Southeast quarter of Southwest quarter, and Lot One, of Section Fifteen, Township Twenty-two, South Range Seven, West, Willamette Meridian,

Except that part thereof described in the deed to Ray R. Wells, recorded March 1, 1907 in Book 56 of deeds page 296 of the records of Douglas County, Oregon.

RECEIVED

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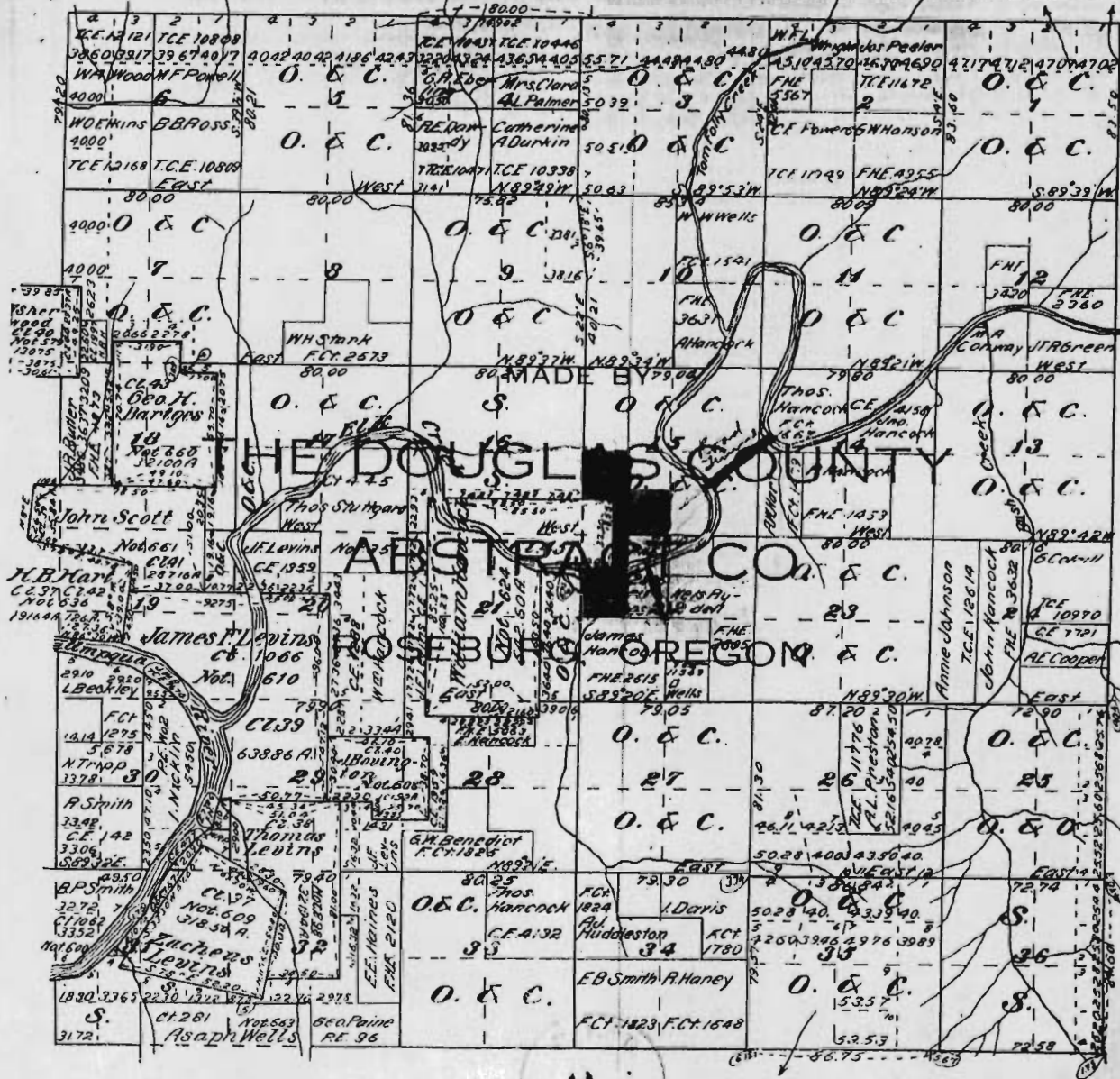
WATER RESOURCES DEPT
SALEM, OREGON



79048
ba Rydell
Drain Ore



Township No. 22 South, Range No. 7 West, of the Willamette Meridian.



public land not mineral designated by odd numbers to the amount of twenty alternate sections per mile (ten each side) of said Railroad

FROM THE OFFICE OF DOUGLAS ABSTRACT AND TRUST CO., ROSEBURG, OREGON

UNITED STATES OF AMERICA

TO
The Oregon and California Rail-
road Company,

Grantor } No.
 } United States Patent
 } Dated December 3, 1894.
 } Recorded March 7, 1896.
Grantee } In Book 34 of Deeds, Page 1-56.
 } Seal of the G. L. O. Affixed
 } Certificate No. Pat. No. 10.

Issued by Authority of the Act of Congress of July 25, 1866.
and the acts supplementary thereto.
Executed by the President. Grover Cleveland,
By the Secretary, M. McKean,
By L Q C Lamar,

Recorded Vol. 14 page 296-343. Inclusive. Recorder of the General Land Office

Description:

Patent No. 10.

Oregon and California Railroad Lands.

Primary Limits.

Oregon City, Lakeview and Roseburg Land Districts, Oregon.

The United States of America. To all to whom these
presents shall come, Greeting.

Whereas by the act of Congress approved July 25, 1896
to aid in the construction of a Railroad and Telegraph line from
Portland in Oregon, thence southerly through the Willamette Umpqua
and Rogue River Valleys to the Southern boundary of Oregon,
authority is given the Oregon and California Railroad Company of
Oregon, a corporation existing under the laws of the State "to
construct a Railroad and Telegraph line under certain Conditions
and Stipulations as expressed in said Act and Provision is made
for granting to the said Company every alternate section of
public land not mineral designated by odd numbers to the amount of
twenty alternate sections per mile (ten each side) of said Railroad

line.

And Whereas official statements from the Secretary of the Interior have been filed in the General Land Office that commissioners appointed by the President under the Provisions of the fourth section of said Act of July 25, 1866 have reported to him that the said Oregon and California Railroad and Telegraph line commencing at a point in East Portland in the County of Multnomah, State of Oregon, and ending at a point on the boundary between the States of Oregon and California where it joined the California and Oregon Railroad, a distance of three hundred and sixty miles, has been constructed and fully completed and equipped in the manner prescribed by said Act and that the same has been accepted by the President.

And Whereas, certain tracts of land have been listed by the duly authorized agent of the Oregon and California Railroad Company as shown by such agents original lists of Sections approved by the local land officers and now on file in this Office.

And Whereas said tracts of land lie within the primary limits of said Grant and are particularly described as follows:

Lands in Douglas County, Oregon.

South of Base line and West of Willamette Meridian, State of Oregon

Township Twenty two Range Seven.

(Among other lands)

The South East quarter the North half the lot numbered one, the East half of the Southwest quarter and the North west

quarter of the South west quarter of section fifteen containing six hundred and fifteen acres and eighteen hundredths of an acre.

The said tracts of land as described in the foregoing make the aggregate area of two hundred and twenty nine thousand nine hundred and forty three acres and fifty two hundredths of an acre (229,943.52)

Now know ye that the United States of America in consideration of the premises and pursuant to the said acts of Congress, Have Given and Granted and by these presents Do Give and Grant unto the said Oregon and California Railroad Company of Oregon and to its assigns all the tracts of land listed as aforesaid and described in the foregoing. Yet excluding and excepting from the transfer by these presents All mineral lands should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception according to the terms of the statute shall not be construed to include Coal and Iron lands.

To have and to hold the said tracts with the appurtenances unto the said Oregon and California Railroad Company of Oregon and to its assigns forever with the exclusion and exception as aforesaid.

The Oregon Central Railroad
Company,
By I. R. Moores, President,
By Geo. E. Cole, Secretary.
Grantor.

To

The Oregon and California
Railroad Company.

Grantee.

Character of Instrument,
Deed.

Dated March 29, 1870.

Recorded March 14, 1894.

In Book 31 of Deeds, page 214.

Consideration, \$1.00 & other

Signatures are Corp. Sealed

Witnessed by two.

Acknowledged on March 29, 1870, before Murray N. Chapman, N. P.
(seal) Ore.

Granting words, grant, bargain, sell, alien, assign, transfer
and set over, enfeoff, convey and confirm and deliver.

Description and Remarks:

Deeded all the land obtained under an "Act granting land
to aid in the construction of a railroad and telegraph line
from the Central Pacific Railroad in California to Portland in
Oregon from the Oregon Central Railroad to the Oregon and
California Company.

Oregon Railroad
Company
Ben Holladay, President,
A. G. Cunningham, Secretary,
Grantor.

To
Milton S. Latham, Faxon D. Atherton and William Norris.
Grantee.

Character of Instrument,
Deed of Trust.
Dated April 15, 1870.
Recorded April 23 1870.
In Book 4 of Deeds,
page 701.
Consideration, \$1.00
& other.
Signatures Corp. Sealed
Witnessed by two.

Acknowledged on April 18, 1870, before Geo. W. Murray, N. P.
(seal) Ore.

Granting words, grant, bargain, sell, assign, alien, set over,
enfeoffed, conveyed and confirm.

Description and Remarks:

This is a trust deed placing in trust all the lands of the Oregon and California Railroad Company granted the same by an Act of Congress and the Acts supplemental thereto which Act of Congress was approved the 25th day of July 1866 for the purpose of building the railroad from the Central Pacific Railroad in California to Portland in Oregon also all the right title interest claim and property and demand whatsoever both legal and equitable present and prospective, absolute and contingent which the party of the first part hereto has or now owns or to which it is in anyway entitled in and to any and all lands and franchises of the State of Oregon by the Act of Congress aforesaid. To hold said property in trust to secure the bond holders of 18,450 bonds and for the sole and exclusive purpose of creating a sinking fund from which the proceeds of the land when sold and when said bonds are paid with interest accrued this deed of trust shall be cancelled.



William Norris, et al

to

Henry Villard, et al.

Book 24 of Mortgages, page 39.

THIS INDENTURE made this twenty second day of November one thousand and eight hundred and seventy eight between William Norris of San Francisco in California of the first part, the Oregon and California Railroad Company a corporation duly organized under the laws of Oregon of the second part Heinrich Hohnemser, Philip B. Bonn, Paul Reinganum and Herman Kohler all of Frankfort on the Main in Prussia, Adolph Otto of Heilbronn in Wurtenburg, Michael Benjamin of Munich in Bavaria, Gustav Krauss of Darmstadt in Hesse all acting by Henry Villard of New York as their attorney in fact, and said Henry Villard also acting on his own behalf of the third part and the said Henry Villard and Charles E. Bretherton of San Francisco aforesaid of the fourth part, Whereas by an Indenture of Mortgage dated the fifteenth day of April one thousand eight hundred and seventy and made between the said Oregon and California Railroad Company of the first part and Milton S. Latham, Faxon D. Atherton, since deceased, and the said William Norris all of San Francisco of the second part, said Oregon and California Railroad Company granted and conveyed to said Milton S. Latham, Faxon D. Atherton and William Norris all its land granted or to be granted by the United States to said Company in pursuance of the Act of Congress approved July twenty fifth one thousand eight hundred and sixty six upon trusts set forth to secure an issue of Ten million nine hundred and fifty thousand dollars in amount of the negotiable bonds of said Company as therein described with interest as therein mentioned. And it was thereby provided that the said trustees or either of them or the survivor of them, or any successor or successors in such office might resign or discharge themselves or himself of the trust created or declared by said Indenture by notice in writing to the said Company three months before such resignations should take effect or such shorter time as they might accept as adequate. And whereas said Faxon D. Atherton died on or about the twenty ninth day of July one thousand eight hundred and seventy seven and said Milton S. Latham resigned his position of such trustee as aforesaid by notice in writing dated the thirtieth day of March in the year of our Lord one thousand eight hundred and seventy eight and which took effect on the thirtieth day of June in the year of our Lord One thousand eight hundred and seventy eight and said William Norris is the sole survivor and acting trustee of said Indenture of Mortgage above recited and it has been

between all the parties hereto that said Henry Villard and Charles E. Bretherton should be appointed trustees in place of said Faxon D. Atherton deceased and Milton S. Latham resigned. And whereas said parties of the third part are the holders of more than ten million eight hundred thousand dollars in amount of the bonds secured by said Indenture of Mortgage being a majority in interest of all said bonds now outstanding. Now this Indenture Witnesseth:

That in pursuance of said agreement said William Norris and said Oregon and California Railroad Company do with the consent of said parties of the third part hereby appoint said Henry Villard and Charles E. Bretherton trustees of said Indenture of Mortgages of April fifteenth one thousand eight hundred and seventy in the place of Faxon D. Atherton deceased and said Milton S. Latham resigned and each of them the said Henry Villard and Charles E. Bretherton doth respectively hereby accept said appointment and the trusts and duties thereof. And in further pursuance of said agreement said William Norris doth hereby grant and convey and said Oregon and California Railroad Company with the like consent as aforesaid doth hereby grant and confirm unto said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors or assigns all and singular the lands and premises comprised in and now subject to the trusts of said Indenture of Mortgage of April fifteenth one eight hundred and seventy. To hold the same unto the use of said William Norris, Charles E. Bretherton and Henry Villard their heirs, successors and assigns as joint tenants and not as tenants in common but upon the trusts and with the powers and subject to the provisions of said Indenture of Mortgage of April fifteenth one thousand and eight hundred and seventy in the same manner as if they had been made parties of the second part thereto. In Witness whereof said parties of the first, third and fourth parts have hereunto set their hands and seals and said Oregon and California Railroad Company, party hereto of the second part has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary the day and year first above written.

Witness to all signatures
except A. G. Cunningham and
Wm Norris; Edwin F. Corey
and Geo. A. Saxer

Heinrich Hohenemser, by Henry Villard, attorney in fact (seal)
Philipp B. Bonn, by Henry Villard, his attorney in fact (seal)
Paul Reinganum by Henry Villard his attorney in fact (seal)
Herman Koehler by Henry Villard his attorney in fact (seal)

Adolph Otto, by Henry Villard, his attorney in fact (seal)
Michael Benjamin by Henry Villard his attorney in fact (seal)
Gustav Krauss by Henry Villard his attorney in fact (seal)
Witness to signature of A. G. Cunningham; Jno D. Biles,
A. Martin.

Henry Villard (seal)
The O. & C. R. R. Co. (seal
of O. & C. R. R. Co.)
By Henry Villard, Pres.
The O. & C. R. R. Co.
By A. G. Cunningham, Secretary, (seal)
Wm. Norris, (seal)
Charles E. Bretherton, (seal)

Acknowledged November 22, 1878, before Edwin F. Corey, Comm. for Oregon in New York and N. P. for New York. Appeared Charles E. Bretherton and Henry Villard, and Henry Villard as President of O. & C. R. R. Co. and as attorney in fact of Heinrich Hohenems, Phillip B. Bonn, Paul Reinganum, Hermann Kohler, Adolph Otto, Michael Benjamin and Gustav Krauss. Notarial and Comm's seal affixed.

Acknowledged December 14, 1878 before Jno. D. Biles, N. P. Ore. (seal) Appeared A. G. Cunningham as Sec'y of O. & C. R. R. Co. and as party to foregoing instrument.

Acknowledged December 2, 1878 before John H. B. Wilkins, Comm. for Oregon in California. Appeared William Norris, seal affixed

NOTE: Henry A. Gumbleton, Clerk of New York Co., N. Y. certifies as to the official character of Edwin F. Corey, N. P. for N. Y. January 2, 1879. Seal affixed.

Received for Record Jan. 21, 1879, at 11, A. M.

NOTE: F. S. Fields, Clerk of Multnomah Co. certifies that the foregoing copy of mortgage recorded in Book "Q" page 372 is a correct transcript of the original and of the whole thereof on July 25, 1907 (seal) Recorded August 1, 1907.

In Book 24 of Mort., page 39-41.

RECEIVED

DEC 3 1 1992

WATER RESOURCES DEPT.
SALEM, OREGON

FIRST CLASS MAIL

LITTLE TOM PHOTOS



