

only 7 houses on system per C 4-12-75
~~SUBJECT TO RIGHTS~~

715-6561
 500 AM FR-2

NO

Abstract of Permit No. 38224

Application No. 52896 Certificate No.

ASSIGNED
 Name Nellie B. Allen
 4207 Ginkgo

Harley E. or Barbara A. Bradley or survivor
 8505 Holloway Road
 Cloverdale, OR 97112

Address Tillamook, OR 97141

Source of water supply A spring, ~~trib.~~ SAND LAKE

Use Domestic use for 7 families

Point of diversion 829.2' N & 231.4' E from SW cor. s.17, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$ s.17, T.3 S., R.10 W., W.M.; Tillamook County

Number of acres 829.2' N & 231.4' E from SW cor. SEC. 17

INSPECTION
 1-24-80
 R.G. Munkin

68m

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
3 S	10 W	21																
		20																
		17																
		20																

Basin 1 misc

Priority date March 25, 1975
 Amount of water 0.01 c.f.s.

Time limit to begin construction 9-19-76
 Time limit to complete construction 10-1-77 extended to extended to
 Time limit to completely apply water 10-1-78 extended to extended to

Remarks:

2704
 10/20

NO LOTS ON SACS

20328

1547
 10/20

INFO: MR. BRADLEY

WATER IS USE AS FILED EXCEPT ONLY 7 HOUSES ARE SERVED.
SOME WERE PROPOSED AT TIME OF APPL., BUT NOT BUILT.
SYSTEM IS GRAVITY FLOW TO A 5' DEEP X 6' X 8' CONCRETE
TANK AT PUMP HOUSE SHOWN ON MAP, ~~AND~~ PUMPED.

SPRING - AT BASE OF A SAND HILL, WATER
IS COLLECTED BY A 3' X 7' PLANK ENCLOSURE

PIPE - 2" STEEL TO RES. REDUCING TO 1 1/2"
PLASTIC JUST BEFORE RES., THEN 1 1/2" PLASTIC
REDUCING TO 1" PLASTIC TO THE HOUSES

MAIN PUMP { PUMP - 1 1/4" X 1" D.D. CENTR.
MOTOR - DAYTON 1 H.P. @ 3450 R.P.M.

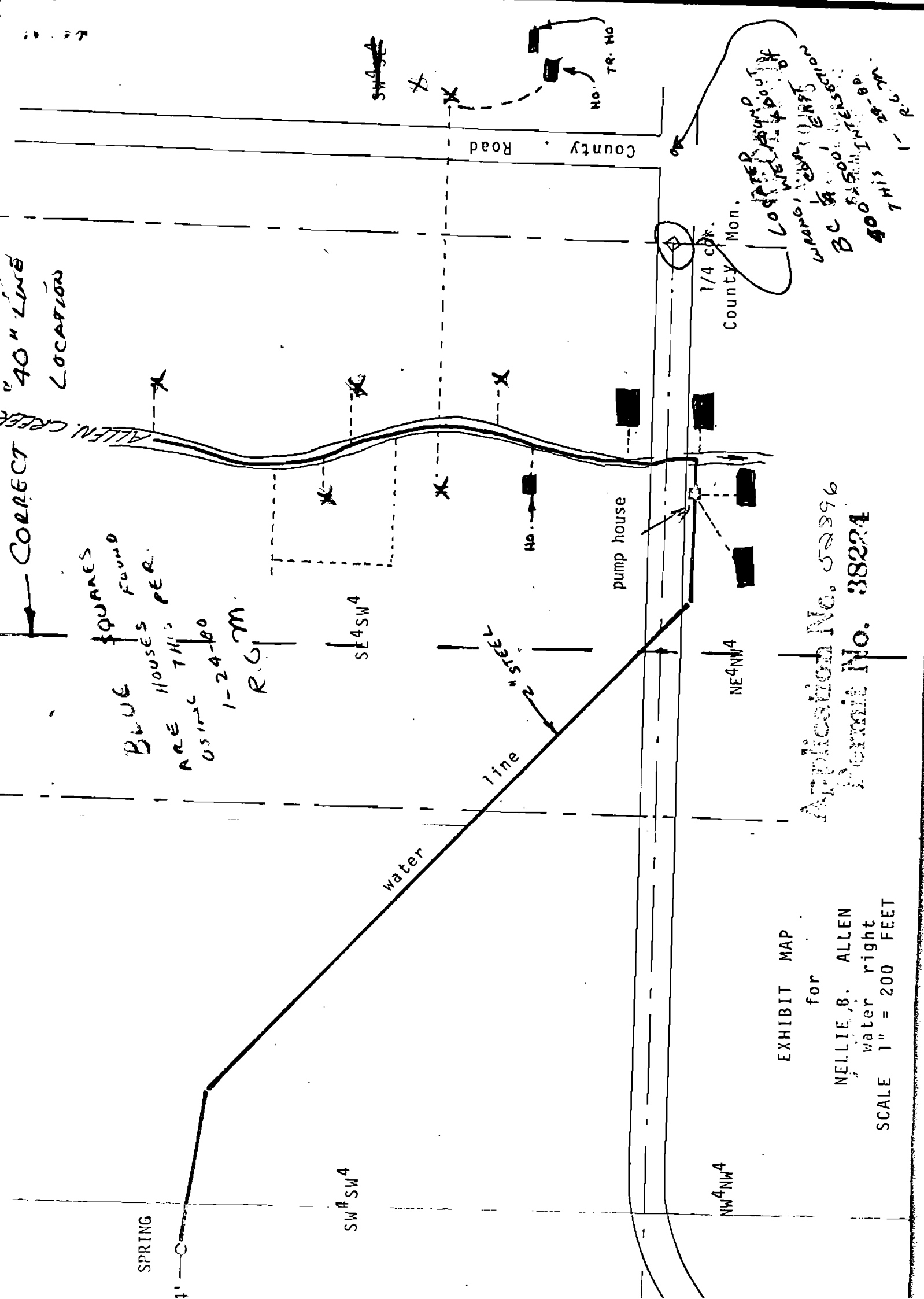
RESERVE PUMP { PUMP - JACUZZI D.D. CENTR. 1 1/4" X 1"
MOTOR - A.O. SMITH 1 H.P. @ 3450 R.P.M.

USE - DOMESTIC USE 7 FAMILIES

LIFT - ESTIMATED 50' FALL TO PUMP
THEN FLAT

TIE - ~~APPL. MAP IS GOOD EXCEPT~~
SEE APPL. MAP FOR PROPER LOC. OF
HOUSES. ⚡

1-24-80
R.G. Mucken



CORRECT
"40" LINE
LOCATION

BLUE
HOUSES
PER
1-24-80
R.G.M.
ARE THIS PER
USING
SQUARES
FOUND

LOTTED ABOUT
WANG, EARL (1995)
BC \$500 INTEREST
400 THIS 24-74
1-8-6

Application No. 52896
Permit No. 38224

EXHIBIT MAP
for
NELLIE B. ALLEN
water right
SCALE 1" = 200 FEET

SPRING

SW⁴SW⁴

NW⁴NW⁴

SE⁴SW⁴

NE⁴NW⁴

1 line
2 STEEL

pump house

1/4 COR.
County Mon.

County Road

No. TR. No

~~SW⁴SE⁴~~

X X

X X

X X

X

No.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK

CHARLES UNDERWOOD and MARGARET)	
UNDERWOOD, husband and wife,)	
BARBARA BRADLEY and STEVE)	NO. 89-2051
BRADLEY,)	
)	STIPULATED SETTLEMENT AND
Plaintiffs,)	JUDGMENT
)	
vs.)	
)	
WILLIAM MEYER, ROSEMARY MEYER,)	
MARYON HUGHES and ART VAN)	
LOO,)	
)	
Defendants.)	
)	

On December 7, 1990, Plaintiffs Charles Underwood and Margaret Underwood appeared in person and through their attorney, Dennis L. Bartoldus, Plaintiffs Barbara Bradley and Steve Bradley appeared in person and through their attorney, William R. Canessa, Defendants William Meyer and Rosemary Meyer appeared in person and through their attorney, Fred A.A. Divita, and Defendant Maryon Hughes and Art Van Loo appeared in person and through their attorney, Lois A. Albright and entered into a stipulation containing the terms described in this order. Based upon the stipulation of the parties in open court, it is hereby ordered, adjudged and decreed as follows:

1. On or before September 1, 1991, Defendants Hughes and Van Loo and Meyers shall install and construct their own water system to serve the property owned by them as described in Exhibit "A". Until that date, Hughes and Van

DENNIS L. BARTOLDUS
ATTORNEY AT LAW
423 NORTH COAST HIGHWAY - P.O. BOX 1271
NEWPORT OREGON 97365
(503) 265-6881

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 Loo and Meyers shall be entitled to use the system described
2 in Exhibit "B". However, as soon as a separate system has
3 been installed or as of September 1, 1991, whichever is
4 sooner, Hughes and Van Loo and Meyers shall have no further
5 right, title, interest or claim in the system described in
6 Exhibit "B" and shall not be entitled to use the system. In
7 the event Hughes and Van Loo and Meyers have not constructed
8 and installed a new system by September 1, 1991, their use
9 of the present system described in Exhibit "B" shall
10 terminate and they shall not be entitled to use the system.

11 2. As soon as Hughes and Van Loo and Meyers have
12 installed a new system or September 1, 1991, whichever is
13 sooner, the water system described in Exhibit "B" shall
14 belong to Barbara Bradley and Steve Bradley subject to the
15 contract of sale wherein the system is being sold to Charles
16 Underwood and Margaret Underwood. **The water rights**
17 **described in Exhibit "B", the same being those water**
18 **certificates shown in the documents of the Oregon Resources**
19 **Director in Volume 46, page 51290 and Volume 47, page 52899**
20 **shall belong solely to Barbara Bradley and Steve Bradley**
21 **subject to the sale to Underwoods.** Defendants Hughes and
22 Van Loo and Meyers shall have no further right, entitlement,
23 interest or claim to said water rights after their use of
24 the system terminates through this agreement.

25 3. The waterline running from the intake spring on
26 property owned by the Nature Conservancy to the pumphouse

DENNIS L. BARTOLEUS
ATTORNEY AT LAW
200 NORTH COMSTOCK HIGHWAY, P.O. BOX 100
NEWPORT, OREGON 97158
(503) 285-6891

1 located on the property being purchased from Bradleys by
2 Underwoods shall become the property of Bradleys subject to
3 the contract of sale of Underwoods. Hughes and Van Loo and
4 Meyers shall have no further interest in said system.
5 Meyers shall grant Bradleys and Underwoods an easement for
6 the purpose of maintaining, repairing and replacing line in
7 its current location across property owned by Meyers. In
8 the event the line is replaced, it shall be located at or
9 below its current depth. Meyers for themselves and their
10 heirs, successors and assigns agree not to disturb the line
11 and assume all risks for interference with the line through
12 any action taken on property owned by Meyers. In the event
13 the line needs to be replaced because of normal wear and
14 tear through use as a waterline, Underwoods and Bradleys
15 agree to replace the line at or below its current depth.

16 4. Between Defendants William and Rosemary Meyer and
17 Defendants Maryon Ann Hughes and Art Van Loo, **the parties**
18 **shall apply for a new water right certificate from the**
19 **Oregon Department of Water Resources to adequately service**
20 **not less than the residential and irrigation needs of the**
21 **Meyer and Hughes property.** The cost of the water right
22 application fee shall be split equally, 50% to Defendants
23 Meyer and 50% to Defendants Hughes and Van Loo.

24 5. Defendants Meyer and Defendants Hughes and Van Loo
25 shall install not less than 2" diameter water pipe from the
26 water source to Allen Creek utilizing the Nature Conservancy

1 Easements to the Meyer property. Defendants Meyer shall pay
2 for 50% of the total cost and Defendants Hughes and Van Loo
3 shall pay for 50% of the total cost of the water pipe and
4 installation costs. Defendants William Meyer and Art Van
5 Loo shall cooperate together and do the installation work
6 required themselves without pay. In the event the parties
7 mutually agree to contract with a third party to install the
8 waterline for pay, Defendants Meyer shall pay 50% of the
9 cost of installation and Defendants Hughes and Van Loo shall
10 pay 50% of the cost for installation.

11 6. Defendants Meyer shall be 50% responsible and
12 Defendants Hughes and Van Loo shall be 50% responsible for
13 all costs of maintaining the system including the water
14 intake and all pipe **from the water source to Allen Creek.**

15 7. Defendants Meyer shall be solely responsible for
16 the cost of installing and maintaining a pump, storage tank
17 and all other equipment they deem necessary to provide
18 adequate water and pressure to their residence.

19 8. Defendants Hughes and Van Loo shall be solely
20 responsible for the cost of installing and maintaining a
21 pump, storage tank and all other equipment they deem
22 necessary to provide adequate water and pressure to their
23 residence.

24 In addition, Defendant Hughes shall be solely
25 responsible for the cost of the pipe and installation from
26 Allen Creek to her property.

DENNIS L. BARTHELEWS

ATTORNEY AT LAW

425 NORTH COAST HIGHWAY - P.O. BOX 1114

NEWPORT, OREGON 97365

1571 282-8861

1 9. In the event Defendant Hughes finds it necessary to
2 install a booster pump on Defendants Meyers' property for
3 the purpose of Defendant Hughes obtaining adequate water
4 quantity and pressure to her two residences, Defendants
5 Meyer shall grant to Defendant Hughes whatever easements
6 shall be necessary for installation of such equipment. The
7 cost of the equipment and installation shall be solely the
8 responsibility of Defendant Hughes.

9 10. Defendants Meyer shall grant to Defendant Hughes a
10 waterline easement over Defendants Meyers' property for the
11 purpose of installing, maintaining, repairing and replacing
12 the waterline on Defendants Meyers' property which services
13 Defendant Hughes' property.

14 11. All parties will dismiss their claims which were
15 alleged or could have been alleged in this case. Said
16 claims shall be dismissed with prejudice and without costs.
17 Although the claims are being dismissed, all parties
18 stipulate to the entry of this stipulation and decree to
19 resolve this case, and dismissal of claims shall in no way
20 negate the effect of this stipulation and judgment.

21 12. The preliminary injunction previously entered by
22 the court will remain in full force and effect until the
23 waterline is installed or September 1, 1991, whichever is
24 earlier. No party shall interfere with the use of another
25 party's water. Any interference with the system after
26 December 7, 1990 is grounds for a separate lawsuit alleging

1 new claims of action and is not covered by the release
2 language contained in this stipulation.

3 13. Until the new water system is installed by Hughes
4 and Van Loo and Meyers or September 1, 1991, whichever is
5 earlier, the parties shall continue their present functions
6 in maintaining the current system. Underwoods shall be
7 responsible for maintenance of the pumphouse, Art Van Loo
8 shall keep the spring area and intake clear of debris, and
9 Maryon Hughes shall continue to perform the banking and pay
10 bills. Underwoods shall assume responsibility for
11 maintaining the pumphouse and any costs associated
12 therewith. Underwoods shall not be required to make any
13 future payments toward payment of other bills, and shall not
14 be required to pay assessments or dues to the water
15 association.

16 14. The Bradleys agree to grant an easement to Hughes
17 and Van Loo to the extent any waterline easement is needed
18 across property owned by Bradleys and not under contract of
19 sale to Underwoods.

20 15. Underwoods, at their sole cost and expense may
21 install a chlorinator on the present system. Said
22 chlorinator will be the property of Underwoods.

23 16. Upon the dismissal of this case as provided
24 herein, the agreement attached as Exhibit "B" signed by the
25 parties to this lawsuit shall become null and void and of no
26 further force and effect.

DENNIS L. BARTOLDUS
ATTORNEY AT LAW
423 NORTH COAST HIGHWAY — P.O. BOX 1270
NEWPORT OREGON 97365
(503) 265-8881

1 William Meyer Rosemary Meyer
2 William Meyer Rosemary Meyer

3 Fred A. A. Divita
4 Fred A. A. Divita OSB #69044
Attorney for Meyers

5 Maryon Hughes Arthur W. Van Loo
6 Maryon Hughes Art Van Loo

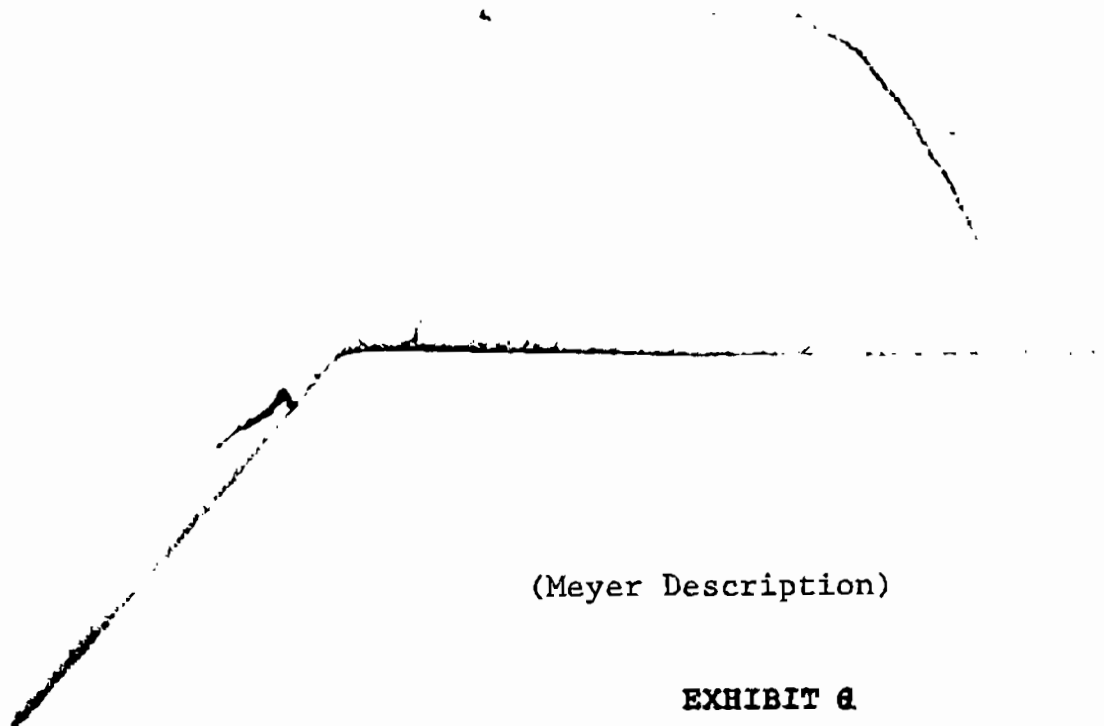
7 Lois A. Albright
8 Lois A. Albright OSB #78012
9 Attorney for Hughes and Van Loo

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
DENNIS L. BARTOLDUS
ATTORNEY AT LAW
423 NORTH COAST HIGHWAY - P.O. BOX 1270
NEWPORT, OREGON 97365
(503) 265-8881

Exhibit 1

LEGAL FOR MARYON HUGHS PARCEL
3S10-17-02600

A tract of land in Section 17, Township 3 South, range 10 West of the Willamette Meridian, Tillamook County, Oregon, being a portion of that tract conveyed to Allen Hughes and Maryon E. Hughes by deed recorded June 30, 1955 in Book 148, Page 112, Deed Records of Tillamook County, Oregon and more particularly described as follows: BEGINNING at the one-quarter corner on the South line of said Section 17 and running thence North 428 feet to the Southeast corner of that tract conveyed to Lionel Boyles and Anna Mae Boyles, by deed recorded September 25, 1970 in Book 220, Page 894, Deed Records of Tillamook County, Oregon; thence East along said Boyles South line 660 feet to the Southwest corner of said Boyles tract; thence South 428 feet to the South line of said Section 17; thence East 660 feet to the point of beginning. EXCEPTING THEREFROM that parcel described in deed to Roy L. Adams and Thelma Irene Adams recorded in Book 109, Page 339, Deed Records of Tillamook County, Oregon. ALSO EXCEPTING THEREFROM any portion which is situated within the boundaries of Galloway County Road.



(Meyer Description)

EXHIBIT 6

Beginning at the S.W. Corner of the S.E. 1/4 of the S.W. 1/4 of Sec. 17, Twp. 3 S. R. 10 W. W. M. and running thence N. 700 feet; thence E. 150 feet; thence S. 220 feet; thence E. 200 feet, more or less, to center line of a small creek; thence S. along center line of said creek 480 feet, more or less, to S. line of said Sec.; thence W. along S. line 340 feet, more or less, to point of beginning. With driveway over a strip of land 20 feet wide lying E. and adjoining said tract and extending N. 300 feet from south line of said section.

AGREEMENT

THE UNDERSIGNED, all being owners of tracts of land served by water from a water source located upon the so-called Bradley premises under water certificates relating to the Southwest quarter of Southwest quarter of Section 17, Township 3 South of Range 10 west of the Willamette Meridian, in Tillamook County, Oregon, and the Northeast quarter of the Northwest quarter of Section 20, Township 3 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, as shown by those documents of the Oregon Water Resources director in volume 46, **Page 51290**, and Volume 47, **Page 52899**, do hereby agree on behalf of themselves and their heirs, assigns and successors in interest as follows:

1. The parties are to share domestic and irrigation water from the water source identified in the above mentioned water certificates, all in conformance with the terms of said certificates and the limitations thereof.
2. The said water certificates are registered in the names of Harley E. Bradley and Barbara A. Bradley and under a Contract of Sale to be entered by said Bradleys with Charles W. Underwood and Margaret S. Underwood, the rights of said Bradleys will ultimately be transferred to the Underwoods for the parcel being sold under said Contract. Pending possession being taken by the Underwoods on April 1, 1988, the water system will remain under control of the Bradleys.
3. Each of the four water users from said system, i.e., Maryon Hughes, Rosemary Meyer, the Underwoods and the Bradleys, agree to make payment of the sum of \$60.00 per year for maintenance and repairs required to the system pumps, tanks and water lines, it being further agreed if major repairs are required, the parties shall share such expense equally if the repairs exceed the annual \$60.00 contribution made by each of the parties. The Underwoods shall not be required to make contributions until after April 1, 1988.
4. Each of the parties grants to the others the right of entry upon the premises of each, solely for the purpose of effecting repairs to water lines or equipment associated therewith, when such entry is required to keep the system operating.
5. Steve Bradley, owner of the fee simple estate of the Bradley premises, in which Barbara A. Bradley holds a life estate interest, joins in this agreement solely by reason of the sale being made to the aforementioned Charles W. Underwood and Margaret S. Underwood.
6. Failure of any parties to make payment of the annual \$60.00 assessment or pro-rata share of major expenses reasonably incurred shall be grounds for turning off the water supply to such user and shall entitle the other users to bring appropriate proceedings to compel payment, with allowance for such reasonable attorney's fees and court costs as the court having jurisdiction of such proceedings may deem appropriate.

Each of the parties hereto, on behalf of themselves and their successors in interest, and with respect to real property in which they are

have an interest as more particularly described below, grants to the others and their successors in interest, the following:

A non-exclusive waterline easement, in common with others, for the purpose of operation, repair, or improvement of an existent 2 inch waterline, over a strip of land of 10 feet in width, the centerline of which is described as: Beginning at a point where a spring emerges which is North 918.71 feet and West 2362.79 feet from the South one-quarter section corner of Section 17, Township 3 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, (from which a 5/8" iron bar bears South 15° 00' West 15 feet); thence South 2° 29' 39" East 52.70 feet to a 5/8" iron bar; thence South 58° 51' 47" East 25.73 feet to a 5/8" iron bar; thence North 79° 43' 32" East 100.85 feet to a 5/8" iron bar in the center of an existing road which is North 870.73 feet and West 2239.24 feet from said one-quarter section corner; thence South 77° 42' 40" East 102.20 feet to a 5/8" iron bar; thence South 89° 09' East 62.28 feet to a 5/8" iron bar; (thence South 57° 12' 52" East 74.47 feet to a 5/8" iron bar; thence South 85° 55' 10" East 230.43 feet to a 5/8" iron bar; thence North 89° 40' 29" East 127.08 feet to a 5/8" iron bar; thence South 87° 03' 05" East 254.29 feet to a 5/8" iron bar; thence South 69° 14' 54" East 35.12 feet to a 5/8" iron bar; thence South 16° 51' 28" East 277.10 feet to a 5/8" iron bar; thence South 16° 20' 54" East 407.61 feet to a 5/8" iron bar; thence South 67° 02' 40" East 87.09 feet to a 5/8" iron bar; thence South 21.72 feet to a point on the South line of Section 17 which is North 87° 09' West 1096.85 feet from said one-quarter section corner.

Entry rights for pump inspection and repair in pump-house located:

A tract of land located in Section 20, Township 3 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, the said tract being described as:

Commencing at the North one-quarter section corner of said Section 20; thence along the section line, North 87° 09' West 1096.85 feet to the point of beginning; thence North 87° 09' West, along the section line, 25 feet; thence South 1° 12' West 55 feet; thence South 87° 09' East 35 feet; thence North 1° 12' East 55 feet; thence North 87° 09' West 10 feet to the point of beginning.

Subject to rights of the public to that portion in T.J. Harris (Galloway Road) County Road.

Entry to the following described area relating to water spring and headworks, more particularly described:

Commencing at a point which is North 918.71 feet and West 2362.79 feet from the South one-quarter section corner of Section 17, Township 3 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence South 2° 29' 39" East 52.70 feet to a 5/8" iron bar at the point of beginning; thence East 120.00 feet; thence North 15° East 4.85 feet to a 5/8" iron bar in an existing road which iron bar is North 870.73 feet and West 2239.24 feet from said one-quarter section corner; thence North 15° East 49.66 feet; thence North 34° 39' 14" West 151.96 feet; thence West 175.00 feet; thence South 177.65 feet; thence East 127.29 feet to the point of beginning.

Basis of bearings used in the above description is the value of North 87° 09' West from the South 1/4 to the Southwest corner of Section 17.

Entry rights to water spring and headworks as described:

A non-exclusive non-vehicular access easement, in common with others, for the purpose of maintenance of a water system over a

strip of land 15 feet in width, the Northerly terminus being at a 5/8" iron bar which is North 870.73 feet and West 2239.24 feet from the South one-quarter section corner of Section 17, Township 3 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, thence Southwesterly, along the centerline of an existing road 900 feet more or less, to a 5/8" iron bar located in T.J. Harris (Galloway Road) County Road, which iron bar is North 126.26 feet and West 2498.66 feet from said one-quarter section corner.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

_____ day of _____, 1987.

<u>Maryon Hughes</u> (SEAL) Maryon Hughes	<u>Barbara A. Bradley</u> (SEAL) 4/11/87 Barbara A. Bradley
<u>Rosemary Meyer</u> (SEAL) Rosemary Meyer	<u>Charles W. Underwood</u> (SEAL) Charles W. Underwood
<u>Steve Bradley</u> (SEAL) 4/11/87 Steve Bradley	<u>Margaret S. Underwood</u> (SEAL) Margaret S. Underwood

STATE OF OREGON
County of Tillamook

June 10, 1987. Personally appeared the above-named Maryon Hughes and acknowledges the foregoing instrument to be her voluntary act.
Before me:

Stephen Nelson
Notary Public for Oregon
My Commission expires: 7/15/88

STATE OF OREGON
County of Tillamook

June 10, 1987. Personally appeared the above-named Rosemary Meyer and acknowledged the foregoing instrument to be her voluntary act.
Before me:

Stephen Nelson
Notary Public for Oregon
My Commission expires: 7/15/88

STATE OF OREGON
County of Tillamook

June 11, 1987. Personally appeared the above-named Steve Bradley and acknowledged the foregoing instrument to be his voluntary act.
Before me:

Julie C. Larkins
Notary Public for Oregon
My Commission expires: 11/19/90

STATE OF OREGON
County of Tillamook

June 11, 1987. Personally appeared the above-named Barbara A. Bradley, and acknowledged the foregoing instrument to be her voluntary act.
Before me:

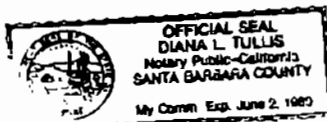
Julie C. Larkins
Notary Public for Oregon
My Commission expires: 11/19/90

STATE OF OREGON
County of Tillamook

. 1987. Personally appeared the above-named Charles W.

GENERAL ACKNOWLEDGMENT

State of California }
County of Santa Barbara } ss.



On this the 10th day of June, 1987, before me,

Diana L. Tullis
the undersigned Notary Public, personally appeared

Charles W. and Margaret S. Underwood

personally known to me
 proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged that they executed it.
WITNESS my hand and official seal.

Notary's Signature Diana L. Tullis



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

April 11, 1990

William F. and Rosemary S. Meyer
1431 N.W. 15th
Corvallis, OR 97330

REFERENCE: File 52896

As mentioned in our recent telephone discussion and my earlier letter to you dated February 7, 1990, the water right evidenced by the Certificate of Water Right recorded in Volume 46, Page 51290, State Record of Water Right Certificates describes a right to the use of water from a spring.

The diversion of water is limited to the point of diversion as described on the water right certificate. According to the certificate, the point of diversion (spring) is located within the SW 1/4 SW 1/4 of Section 17, Township 3 South, Range 10 West, W.M.; 829.2 feet North and 231.4 feet East from the Southwest corner of Section 17.

Information on the aforementioned certificate shall not be construed in any sense as granting a right to appropriate water at any point downstream from the spring.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

February 7, 1990

William F. Meyer
1431 N.W. 15th
Corvallis, OR 97330

REFERENCE: File 52896

The Certificate of Water Right issued November 22, 1982, to Harley E. or Barbara A. Bradley recorded in Volume 46, Page 51290, State Record of Water Right Certificates, evidences a water right of record. This certificate describes a right to the use of 0.01 cubic foot of water per second from a spring for domestic use for seven families with a date of priority of March 25, 1975.

The water right is appurtenant to the seven house sites where the right was established under Permit 38224, passes with the seven house sites through change of ownership and remains valid so long as it is not lost through intentional abandonment or through non-use. If any portion of a water right is not used for five successive years, that portion would be forfeited, except under certain circumstances.

We do not attempt to maintain names of current owners of a water right after a certificate of water right is issued. It is not necessary nor are there statutory provisions for assigning a water right evidenced by a certificate of water right from one party to another. A water right belongs to owners of the property where the water right is appurtenant.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

STATE OF OREGON
 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARLEY E. OR BARBARA A. BRADLEY

of PO Box 335, Nehalem, State of Oregon 97131, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a spring

a tributary of Sand Lake for the purpose of domestic use for 7 families

under Permit No. 38224 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the rights hereby confirmed dates from March 25, 1975

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SW 1/4, Section 17, T3S, R10W, WM; 829.2 feet North, and 231.4 feet East from SW Corner, Section 17

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to _____ of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

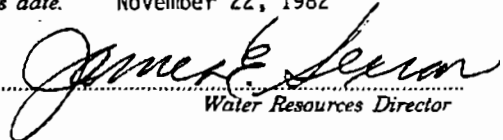
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE 1/4 SW 1/4
 Section 17
 NE 1/4 NW 1/4
 Section 20
 Township 3 South, Range 10 West WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 22, 1982


 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51290



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8500
or
1-800-452-7813
(message line)

November 30, 1981

Warley C. or Barbara A. Bradley
PO Box 335
Mebaker, OR 97131

Dear Mr. and Mrs. Bradley:

REPERMISE: File 52696

Thank you for your letter regarding your Permit 38229.

Unfortunately, I am still working on surveys made during the 1978 season.

If you wish to relinquish interest in your permit to a new party, the enclosed assignment form should be used for this purpose. Please include the name or names and address to be shown on our records and sign the document in the space provided. A \$3 assignment recording fee is also required.

In the event we are able to send you the findings of our survey and you agree with our findings, we would then be able to issue the Certificate of Water Right. In that event, an assignment would not be necessary since the water is appurtenant to the property and travels with the land at time of sale.

Sincerely,

THOMAS E. SHOOK
Senior Water Rights Examiner

TES:wp
enclosures
8130A

COPY

Nehalem, Oregon
November 9, 1981

Thomas E. Shook, Engineer
Water Resources Department
Salem, Oregon

Reference: File Number 52896

Dear Mr. Shook:

On January 24, 1980, a survey was made of our application of water rights, permit number 38224, by Robert Muchen, Field Engineer.

On June 19, 1980, you answered my first inquiry by saying we might be receiving proof and the certificate in about a year.

We have moved back to Nehalem and have hired a caretaker couple for the Sandlake property. We are considering selling part of the property and would like to include a transfer and assignment to the water right in the deal.

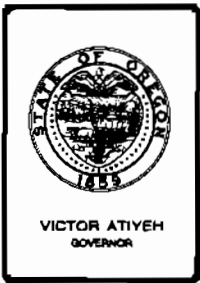
Please inform us of the possibility and procedures in case we can make a sale.

Thank you for your help.

Sincerely,

Barbara A. Bradley

Barbara A. Bradley
P.O. Box 335
Nehalem, Oregon 97131
Phone: 368-6680



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE (503) 378-3066

June 19, 1980

Barbara A. Bradley
8505 Galloway Rd.
Cloverdale, OR 97112

REFERENCE: File Number 52896

Thank you for your letter regarding the status of your permit 38224.

We are presently working on surveys made during the 1978 and early 1979 season, so it will probably be about a year before we are able to be in a position to send you the findings of our survey.

In the meantime, your permit is valid evidence of the water right in question so long as you continue to use the water as described in the permit.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:avs

1330A

COPY

RECEIVED

MAY 27 1980

WATER RESOURCES DEPT
SALEM, OREGON

Cloverdale, Oregon
June 22, 1980

Water Resources Department
555 Thirteenth St., N.E.
Salem, OR 97310

Re: File No. 52896

Gentlemen:

In reference to your letter of April 16, 1979, a survey of our application of water rights, permit number 38224, was made on January 24, 1980, by Robert Muchen, Field Engineer.

As of this date, we have not received proof or certificate that was to be issued by the engineer. If there is reason for the delay by something that we must do, please let us know as soon as possible.

Thank you,

Barbara Bradley

Harley E. or Barbara A. Bradley
8505 Galloway Road
Cloverdale, OR 97112



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

May 18, 1979

Harley E. or Barbara A. Bradley
8505 Galloway Road
Cloverdale, OR 97112

RE: File No. 52896

Dear Mr. & Mrs. Bradley,

The assignment of permit No. 38224 from Nellie B. Allen to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original assignment is enclosed along with our receipt No. 10827, covering the \$2.00 assignment recording fee you submitted.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES/dw
cc: Clayton J. Gardner, Watermaster
Washington County Courthouse
Hillsboro, OR 97124

COPY

September 25, 1975

52896

Nellie B. Allen
4207 Gingko
Tillamook, OR 97141

Dear Ms. Allen:

This is to advise you that your application No. 52896 has been approved by issuance of a permit authorizing the appropriation of 0.1 cubic foot of water per second from a spring for domestic supplies for ten families.

You may use this letter as your authority to make the appropriation authorized by the permit. The permit will be mailed to you as soon as the necessary entries have been completed in the records of this office.

Sincerely,

Trevor Jones
Assistant

TJ:db

52896

September 12, 1975

Mrs. Barbara Bradley
4207 Ginkgo Street
Tillamook, Oregon 97141

Dear Mrs. Bradley:

I am sorry for the delay in processing the application of Nellie B. Allen for issuance of a permit. The large number of applications being filed has made it impossible for us to process them as rapidly as we would like.

As indicated in the letter of Wayne Overcash on July 21, 1975, Mrs. Allen's application is now in satisfactory form and will be placed in the next group to be processed for issuance of a permit.

Very truly yours,

Trevor Jones
Assistant

TJ:whh

Tillamook, Oregon
September 11, 1975

RECEIVED

SEP 12 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Wayne J. Overcash, Assistant
Water Resources Dept.
1178 Chemeketa Street N.E.
Salem, OR 97310

Re: File No. 52896
Nellie B. Allen

Dear Mr. Overcash:

Mr. McMinimee prepared the application No. 52896 for a water right for my mother, Nellie B. Allen, and it was submitted to your office some time in June.

Please find enclosed a copy of a letter confirming this action. Is there some reason we have not received the completed permit?

Thank you for this information.

Mrs Barbara Bradley

(Mrs.) Barbara Bradley
4207 Ginkgo Street
Tillamook, OR 97141

Encl.



~~STATE~~
~~ENGINEER~~

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB
GOVERNOR

~~CHRIS L. WHEELER~~
~~State Engineer~~

JAMES E. SEXSON
DIRECTOR

July 21, 1975

File No. 52896

McMinimee & Kaufman
Attorneys at Law
Lawyers Building
110 Pacific Ave.
Tillamook, OR 97141

ATTENTION: Warren A. McMinimee

Dear Sir:

This will acknowledge return of the application No. 52896 along with the new map prepared on tracing paper you submitted for Nellie B. Allen.

The application is now in satisfactory form for approval by the issuance of a permit.

Very truly yours,

Wayne J. Overcash
Assistant

WO:db
cc: Nellie B. Allen

Nehalem, Oregon
September 3, 1982

RECEIVED

SEP 8 1982

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Department
Salem, Oregon

Re; File No. 52896

Bruce A. Estes, Supervisor
Survey/Certificate Section

Dear Mr. Estes:

Please find enclosed PROOF OF APPROPRIATION OF WATER properly examined, dated and signed. We find all information correct.

Will look forward to receiving a Certificate of Water Right.

Please note change of address and send the Certificate to our Nehalem address. Our mail is no longer sent to the Cloverdale address.

Thank you,

Barbara A. Bradley

Barbara A. Bradley
P.O. Box 335
Nehalem, Oregon 97131

Encl.

RECEIVED

MAR 25 1975

STATE ENGINEER
SALEM, OREGON

Application No. 52896

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 600 gallons per minute
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? Approximately the same
Is flow measured or estimated? Based on measurement
6. Does the stream flowing from spring form a well defined natural channel? No
7. Does the water flow off the lands on which it first arises? Yes into swamp
8. Give the name of the stream or other body of water into which water from the spring flows. No name
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
Any surplus from spring goes into small swamp and completely dissipates in sand, not over 75 feet distant.
10. Remarks This spring arises on applicant's property and the main carrying line from pump house is on applicant's property; only the distribution to various houses is on other person's property.

X Melba B. Allen
Signature of Applicant

Application
52896

52896
38224