

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME PHYLLIS J. BUTCHER		PHONE (HM) 541-733-6041 (PHIL MOREY)	
PHONE (WK)	CELL	FAX 541-673-3128	
ADDRESS 176 NEHALEM LOOP			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL PTMOREY@GMAIL.COM

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME KELLY FORNEY, REMAX PROFESSIONAL REALTY		PHONE	FAX 541-673-3128
ADDRESS 2955 NW EDENHOWER BLVD			CELL 541-580-7056
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL KELLYFORNEY@DCWISP.NET

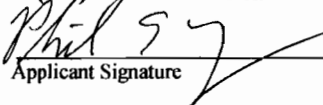
Note: Attach multiple copies as needed

NOV 09 2010

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

Phil E Morey
Print Name and title if applicable

11-5-2010
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S-07665</u>	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Calapooya Creek

Tributary to: Umpqua River

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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WATER RESOURCES DIVISION

S-87665

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Calapooya Creek	Human Consumption	Year-Round	.005 X cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: _____ Acres Supplemental: _____ Acres
 List the Permit or Certificate number of the underlying primary water right(s): _____

 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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WATER USE SUBJECT
 SHELL OIL

S-87665

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 1 Horsepower Centrifugal Jet Pump

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be pumped into a 1,200 gallon concrete storage tank.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Pressure tank/filtration system/household plumbing system.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Piped enclosed system will be inspected regularly for leaks. Diversions will be monitored with flowmeter.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening will be installed on pump intake prior to diversion of water.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: None planned.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: None planned.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Will use best residential water use management practices.

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SALES & OFFICE

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: 2-1-11

Date construction will be completed: 2-15-2011

Date beneficial water use will begin: Upon issuance of permit.

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

Three wells on property tested positive for arsenic and heavy metals. No municipal water available.

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WATER RESOURCES DEPT
WATER SECTION



Douglas County

Planning and Sanitation Pre-Application Worksheet

Other Action

Worksheet Number WS10-0929	Applicant PHIL E. MOREY 176 NEHALEM LOOP ROSEBURG, OR 97470 (541) 733-6041	Owner BUTCHER, PHYLLIS J PO BOX 49 SUTHERLIN, OR 97479
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SITE INFORMATION

Site Address 8330 NONPAREIL RD SUTHERLIN, OR 97479	MTL 25-04W-09-00300	Property ID Number (Primary) R17240	Size (Acres) 68.85
Improvement LUCS for water rights		Proposed Use Land Use Compatibility Statement	
Existing Structures (Number and Type) MFD per pd 94-209		Distance of Building Site from River, Creek, or Stream Bank >50'	
Directions is north to sutherlin, right on central, continue east on Nonpariel road to property on left before the store			

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As, for, or on behalf of, all property owners:
 APPLICANT SIGNATURE: *Phil Morey* DATE: _____

WAIVED THE RESOLUTION
 PLANNING DEPARTMENT

PLANNING DEPARTMENT INFORMATION

Zoning FG	Overlays
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SETBACKS (EFU - Grazing)

Front Property Line of Right of Way 30 FEET	Rear Line 10 FEET	Side Line 10 FEET	Exterior Side Line NA
Sign Code NONE	Special Setback na	Riparian Setback 50 FEET	
Parking Spaces Required NA	Building Height NONE	Flood Plain No	Floor Height Above Ground NA

Conditions of Approval
NO STRUCTURAL DEVELOPMENT AUTHORIZED. LUCS FOR WATER RIGHTS TO CALAPOOYA CREEK DUE TO ARSENIC IN WELLS.

Sanitation OSS - Existing System	Sanitary District 13005	Water Private	Access Permit Required? NO
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Report Codes
NONSTRUCTURAL EXISTING SEPTIC PRIVATE WATER COUNTY ACCESS WATER RIGHTS

Refer To
NONE

Approved By: JKL	Date: 11/5/2010	Receipt #: P10317	Amount: \$ 50.00	Expiration Date: 11/4/2011
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SANITATION INFORMATION

SE#	STP#	Existing System	System: Approved ___ Denied ___
Remarks			

S-87665

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant(s): Phyllis J. Butcher Estate

Mailing Address: 176 Nehalem Lp.

City: Roseburg

State: OR

Zip Code: 97471

Daytime Phone: 541-733-6041

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>25</u>	<u>04W</u>	<u>09</u>	_____	<u>300</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Douglas County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Calapooya Creek

Estimated quantity of water needed: .005
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Human Consumption

Briefly describe:

Water right is necessary and needed due to arsenic and heavy metals in 3 wells located on the property.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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STATE OF OREGON
 WATER RESOURCES DEPT
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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.3.050

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: JOHN LAZUR Title: PLANNER

Signature: [Signature] Phone: 541-440-4289 Date: 11/5/10

Government Entity: DOUGLAS COUNTY PLANNING DEPARTMENT

**DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470**

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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WATER RESOURCES DEPT
SALEIA, OREGON

8-87665

130-05

INT. EL COR.
D.L.C. NO. 49

7.70
200
200
200

SEE MI-13
M38-7

RD. NO. 268

SEE MAP

25 4 9D

CALAPOOYA

SALT CREEK

SEE MAP

25 4 9D

SEE MAP
25 4 9D

130-00

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SE. COR.
D.L.C. NO.

S. LINE D.L.C. NO. 49

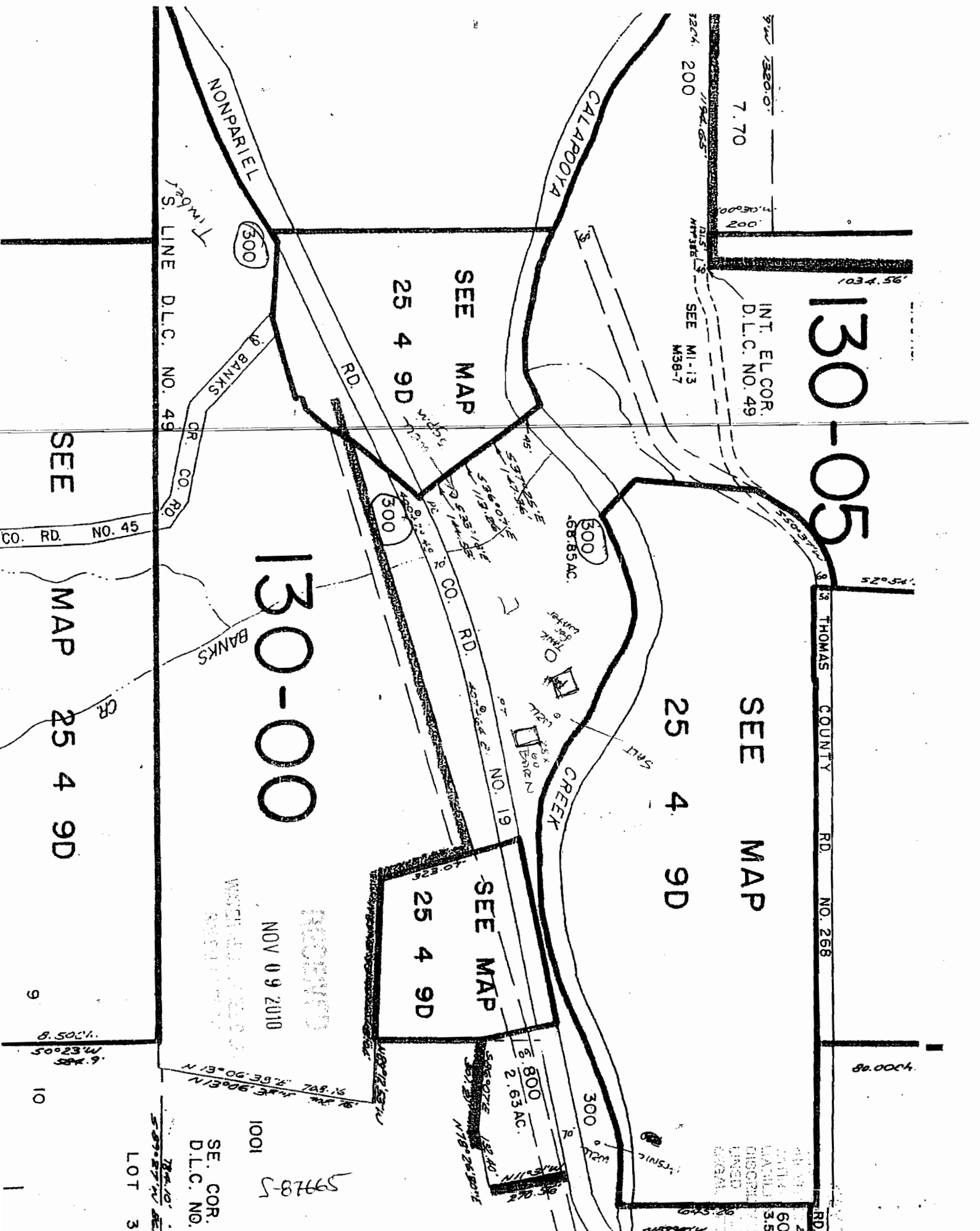
LOT 3

SEE MAP 25 4 9D

CO. RD. NO. 45

9 10

1



UMPQUA RESEARCH COMPANY

P.O. Box 609 - 626 NE Division St.
Myrtle Creek, Or 97457

(541)863-5201 - Fax (541)863-6199

well by house
40 Gall

OREGON STATE CERTIFIED LAB # 015

URC Sample #: 90922-1
Date Received: 09/22/99
Date Reported: 10/13/99

Mailing Address:

Sample Location:

Phyllis Butcher	Phyllis Butcher
P.O. Box 49	8330 Nonpariel Rt.
Sutherlin, OR 97479	Sutherlin, OR 97479

Collector: PB	Date/Time Collected: 09/22/99 23:30	Sample Point: Well			
Complete Package					
Test	Test Method	Units	Suggested Limits	Test Results	Date/Analyst
pH	SM 4500-H+	pH Units	6.5 - 8.5	7.7	09/23/99 MH
Specific Conductance	SM 2510 B	µmho/cm	<500	██████████	09/23/99 MH
Color	SM 2120B	Color Units	<10 preferred	10	09/23/99 MH
Sulfur Odor	Qualitative Test		No odor	ND	09/23/99 MH
Turbidity	SM 2130	NTU	<5	3.6	09/23/99 MH
Hardness (Calcium)	SM 2340-C	mg/l	<205	██████████	10/01/99 MH
Calcium	EPA 215.2	mg/l		114	09/27/99 JMR
Total Alkalinity	SM 2320B	mg/l	No suggested limit	██████████	09/24/99 ST
Total Dissolved Solids	SM 2540C	mg/l	<300	██████████	09/27/99 JMR
Corrosivity (Saturation Index)	SM 2330B	SI	1.0 - Ideal	0.53	10/13/99 KO
Nitrate	EPA 300.0	mg/l	*<10	ND@0.1	09/24/99 FG
Nitrite	EPA 300.0	mg/l	*<1	ND@0.01	09/24/99 FG
Chloride	EPA 300.0	mg/l	<250	██████████	09/24/99 FG

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SOUTH OREGON

S-87665

METALS - IOC'S	METHOD	UNITS	SUGGESTED LIMITS	TEST RESULTS	DATE & ANALYST
[REDACTED]	EPA 200.9	mg/l	*0.05	[REDACTED]	09/24/99 ST
Cadmium	EPA 200.9	mg/l	*0.005	ND@0.001	09/28/99 ST
Chromium	EPA 200.9	mg/l	*0.1	ND@0.02	09/27/99 ST
Copper	EPA 220.2	mg/l	*1.0	ND@0.05	09/27/99 JMR
Iron	EPA 236.1	mg/l	*0.3	0.048	10/01/99 JMR
Lead	EPA 200.9	mg/l	*0.015	ND@0.002	09/29/99 JMR
Manganese	EPA 200.9	mg/l	*0.05	ND@0.01	10/12/99 JMR
Mercury	EPA 245.1	mg/l	*0.002	ND@0.001	10/01/99 JMR
Nickel	EPA 200.9	mg/l	*0.1	ND@0.02	09/28/99 ST
[REDACTED]	EPA 273.1	mg/l	**<20	[REDACTED]	09/26/99 JMR
Zinc	EPA 289.1	mg/l	*5.0	ND@0.02	09/26/99 JMR

* Oregon State Health Division, Maximum Contaminant Level Due to Possible Toxicity at High Levels.

** EPA warning > 20 mg/l may affect anyone on a salt free diet

ND = None Detected at Level Indicated

792

Report Approved by 

90922-1.COM

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STATE/FINANCIALS DEPT
SALEM, OREGON

S-87665

UMPQUA Research Company
P.O. Box 609 - 626 Division Street
Myrtle Creek, OR 97457
(541) 863-5201 Fax: (541) 863-6199

well by Bonds Creek

REPORT

3 gal Minut

OREGON STATE CERTIFIED LAB #015	Date Reported: 09/27/00
PWS#:	Date Collected: 08/28/00
PWS Name:	Time Collected: 1:00 PM
Sampled At:	Sampled By: Phyllis

Mailing Address for Report	Sample Information
Phyllis Butcher P.O. Box 49 Sutherlin, OR 97479	Well
	Invoice# 3888

Complete Package	Matrix: Water
URC Sample #: 200830-18	
Sample ID: Well	

Analyte	Method Code	Results	Units	MCL	Date Analyzed	Analyst
pH	SM 4500-H+	7.3	pH units	6.5-8.5	08/30/00	MLH
Specific Conductance	SM 2510A	705	umho/cm	<500	08/30/00	MLH
Fluoride	EPA 300.0	0.45	mg/L		09/01/00	KSO
Chloride	EPA 300.0	86.8	mg/L	<250	08/31/00	KSO
Nitrite	EPA 300.0	0.040	mg/L	<1.0	09/01/00	KSO
Nitrate	EPA 300.0	ND@0.1	mg/L	<10	09/01/00	KSO
Sulfate	EPA 300.0	26.8	mg/L	<20	09/01/00	KSO
Color	SM 2120B	40	Color Units	<10	08/30/00	MLH
Sulfur Odor	Qualitative test	ND		No Odor	08/30/00	KSO
Turbidity	SM 2130	8.99 NTU			08/30/00	MLH
Hardness (as CaCO3)	SM 2340C	212	mg/L	<205	09/01/00	MLH
Total Dissolved Solids	SM 2540C	411	mg/L	<500	08/31/00	MLH
Total Alkalinity	SM 2320B	196	mg/L		09/01/00	MLH
Corrosivity	SM 2330B	-0.33	SI	1.0 - idca	09/25/00	KSO
Arsenic	EPA 200.9	0.069	mg/L	<0.05	09/06/00	JMR
Cadmium	EPA 200.9	ND@0.001	mg/L	<0.005	09/06/00	JMR
Calcium	SM 3111B	35.6	mg/L		09/22/00	JMR
Chromium	EPA 200.9	ND@0.02	mg/L	<0.1	09/06/00	JMR
Copper	EPA 200.9	ND@0.01	mg/L	<1.0	09/01/00	JMR
Iron	EPA 236.1	2.99	mg/L	<0.3	09/22/00	JMR
Lead	EPA 200.9	0.004	mg/L	<0.015	09/01/00	JMR
Manganese	EPA 200.9	0.057	mg/L	<0.05	09/21/00	JMR
Mercury	EPA 245.1	ND@0.001	mg/L	<0.002	09/15/00	JMR
Nickel	EPA 200.9	ND@0.02	mg/L	<0.1	09/21/00	JMR
Sodium	SM 3113B	94.4	mg/L	<20	09/08/00	JMR
Zinc	EPA 289.1	0.035	mg/L	<5.0	09/08/00	JMR

MCL = Maximum Contaminant Level
ND = None Detected
Approved By: 

well water testing complete phg #169.00 S-87665

NOV 09 2010 200830-18

NA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That BONITA DENLEY

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by FRANK A. BUTCHER and PHYLLIS J. BUTCHER, Husband and wife,

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT A WHICH IS INCORPORATED HEREIN BY REFERENCE.

OK

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 100,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 21st day of November, 1994; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.830.

Bonita Denley
BONITA DENLEY

STATE OF OREGON, County of Douglas
This instrument was acknowledged before me on November 21, 1994,
by BONITA DENLEY

This instrument was acknowledged before me on _____, 19____,
by _____
as _____



Christine Anderson
Notary Public for Oregon
My commission expires 1-26-98

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BONITA DENLEY
Grantor's Name and Address FRANK A. & PHYLLIS J. BUTCHER
Grantee's Name and Address FRANK A. and PHYLLIS J. BUTCHER
After recording return to (Name, Address, Zip): FRANK A. and PHYLLIS J. BUTCHER
Until requested otherwise send all tax statements to (Name, Address, Zip):

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK 2006-017635
\$31.00
80155803200600176350030035

SPACE R. DEED-WD Cnt=1 Str=1 RECEIPTCOUNTER
PI RECORD \$15.00 \$11.00 \$5.00

07/18/2006 09:30:30 AM
ment/microfilm/reception No. _____
Record of Deeds of said County.
Witness my hand and seal of
County affixed.

By _____, Deputy.

S-87665

EXHIBIT A

Beginning at the Westerly Northwest corner of Claim No. 49 in Section nine (9) Township twenty-five (25) South, Range four (4) West of the W. M., in Douglas County, State of Oregon, a three inch (3") oak post, North 89° 38' East 2397.0 feet to angle corner, a three inch (3") oak post; thence North 1040.0 feet to the Easterly Northwest corner, a three inch (3") oak post; thence North 89° 45' East 3300 feet to the Northeast corner, an iron pipe; thence South 1° 03' East 2866.1 feet to the Southeast corner, a three inch (3") oak post; thence South 89° 27' West 5745.3 feet to the Southwest corner, a two inch (2") galvanized pipe; thence North 0° 29' East 695.8 feet to the Northeast corner of Claim No. 41, an angle point on West boundary of Claim No. 49 a three inch (3") oak post; thence North 0° 34' West 1158.4 feet to the Northwest corner of Claim No. 49, the place of beginning, all lying in Sections nine (9) and ten (10) Township twenty-five (25) South, Range four (4) West of the Willamette Meridian, Douglas County, Oregon.

EXCEPTING the following: Commencing at a point 75 feet South of the Northeast corner of DLC No. 49 in Township 25 South, Range 4 West of the W. M.; running thence West 100 feet; thence South 30 feet; thence East 100 feet; thence North 50 feet to the place of beginning, in Douglas County, State of Oregon.

ALSO EXCEPTING the following: Beginning at a 3/4" pipe which is 12.0 feet North of the Southwest corner of the Clinton Sutherlin DLC No. 49, Township 25 South, Range 4 West, W. M.; thence running North 686.0 feet along the West side of said claim to an 8" x 8" x 18" sandstone monument at the Northeast corner of the James Odles DLC No. 41, said township and range; thence continuing North 434.0 feet to a point in the center of the Calapooia River; thence running along the center of said river upstream, as follows: North 53° East 810.0 feet; North 52° 40' East 435.0 feet; South 60° East 201.0 feet; South 58° 50' East 700.0 feet; South 71° 40' East 480.0 feet; South 72° East 560.0 feet; thence leaving center of said stream and running South 60.0 feet to a 1" x 16" iron stake on the bank of said stream; thence continuing South 620.0 feet to a 1" x 18" iron stake set in the North right-of-way fence line of county road no. 19; thence running along the North side of said road as follows: South 73° 30' West 285.0 feet; North 84° 30' West 363.0 feet; South 69° West 451.6 feet; South 56° West 234.0 feet; South 77° West 593.0 feet and North 88° West 930.3 feet to the point of beginning, all the above being situated in Section 9, Township 25 South, Range 4 West, Willamette Meridian, in Douglas County, Oregon.

ALSO EXCEPTING therefrom the real property sold to W. A. Thomas and Madeline R. Thomas, as described in Certificate No. 7455.

ALSO EXCEPTING therefrom the real property sold to W. A. Thomas and Madeline E. Thomas as described in Certificates of Title No. 7456, 7457 and 7454.

ALSO EXCEPTING therefrom the real property sold to John Harris Harwell and Doris May Harwell and described in Certificate No. 7868., located in Sections 9 and 10, Township 25 South, Range 4 West, W. M. Douglas County, Oregon.

ALSO EXCEPTING therefrom the following described property: Beginning at the Southeast corner of the Clinton DLC No. 49 in Section 10, Township 25 South, Range 4 West; thence South 89° 28' West 782.4 feet along the South boundary of DLC No. 49 to a 3/4" rod; thence North 14° 06' East 708.2 feet to a 3/4" iron rod; thence North 88° 13' West 712.5 feet to a 3/4" rod; thence North 16° 19' West 323.3 feet to a 3/4" rod on the South boundary of Weyerhaeuser Timber Company railroad right-of-way; thence North 16° 19' West to the North boundary of the Calapooia Creek County Road right-of-way; thence Easterly along the North boundary of said road right-of-way to the intersection of said road right-of-way and the center of Calapooia Creek; thence up the center of Calapooia Creek to a point on the West boundary of, and North 1° 00' East of the Southwest corner of the City of Sutherlin Dam site property as described in Ct. 3889 of Deed Records of Douglas County, Oregon; thence South 1° 00' West 185 feet, more or less, to the Southwest corner of said City of Sutherlin property which is a 4" x 4" white post; thence South 00° 10' East 1340.0 feet to the place of beginning, all lying in Section 9 and 10, Township 25 South, Range 4 West, in Douglas County, Oregon.

ALSO EXCEPTING therefrom the following: Beginning at a 5/8" iron rod set in the West line of the Joseph & Bonita May Denley property described in certificate of title No. 8320, said rod being 614.39 feet North and 2757.9 feet East of the Southwest corner of D. L. C. No. 49, Township 25 South, Range 4 West, W. M.; thence along said West line, North 440.63 feet to a 5/8" iron rod and North 104.0 feet to the center of Calapooia Creek; thence along the center of said creek, North 57° 22' East 88.31 feet; thence South 37° 25' East

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WATER RESOURCES DIVISION
SALIDA, OREGON

45.0 feet to a 5/8" iron rod; thence South 37' 25' East 147.36 feet to a 5/8" iron rod; thence South 36' 07' East 113.26 feet to a 5/8" iron rod; thence South 33' 18' East 144.53 feet to a 5/8" iron rod; thence along the Northerly line of County Road No. 19, South 42' 40' West 250.75 feet to a 5/8" iron rod; thence along the Northerly line of the Sutherlin Coos Bay and Eastern Railway Co. right of way, South 75' 40' West 172.81 feet to the place of beginning. The above described parcel is situated in Section 9, Township 25 South, Range 4 West, W. W., Douglas County, Oregon.

SUBJECT TO:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
3. Rights of the public and of governmental bodies and the ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of Calapooya Creek.
4. Any adverse claims based upon the assertion that Calapooya Creek has moved.
5. Restrictive Covenant for Resource Management, including the terms and provisions thereof recorded August 16, 1994, Book 1312, Page 854, Recorder's No. 94-18328, records of Douglas County, Oregon.
5. Any adverse claims or boundar disputes which may arise as a result of a use of a vague and ambiguous description in the instruments which make up the chain of title upon whcih the rights of the seller herein are based. The description set forth herein is taken from said instruments and no better description appears of record.

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SPECIAL OFFICER

END OF DOCUMENT

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DOUGLAS
PROBATE DEPARTMENT

Case No.08CV1211PB

LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF PHYLISS JEAN BUTCHER

STATE OF OREGON)
) ss.
County of Douglas)

THIS CERTIFIES that the will of PHYLISS JEAN BUTCHER, deceased, has been proven and PHIL EDMAN MOREY, has/have been appointed and is/are at the date hereof, the duly appointed, qualified and acting Personal Representative(s) of the will and estate of the decedent.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the court.

DATED: March 5, 2008

TRIAL COURT ADMINISTRATOR

By: 



STATE OF OREGON)
) ss.
County of Douglas)

I, Jessie M. Larner, Trial Court Administrator of the Circuit Court of the State of Oregon for the County of Douglas, do hereby certify that the foregoing Letters have been compared by me with the original now on file and of record in my office and that it is a true, full and correct copy thereof.

I further certify that said letters are still in full force and effect and have not been revoked or set aside.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court this DL day of MARCH, 2008.

TRIAL COURT ADMINISTRATOR

By: 

