

7-30-62
See [unclear] before
proof

Re-check for stock use -
also check no. of houses and/or
families for domestic use.

Abstract of Permit No. 28362

Application No. 37865 Certificate No.

Name Rodney D. Trotter
Address Route 4, Box 530
Roseburg, Oregon

Source of water supply ~~Three springs~~ 2 springs
Use Domestic use ~~of two families~~ of one family

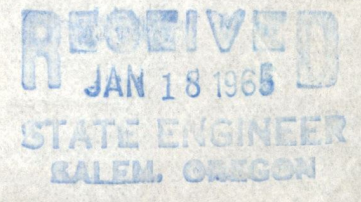
Point of diversion Spring #1 - 488' S. & 379' W.; Spring #2 - 211' S. & 379' W.;
Spring #3 - 200' S. & 340' W.; all from the SE corner of
ME 40, all being within the NE1/4 NE1/4 Section 7, T. 28 S.,
R. 6 W., W.M., in the county of Douglas.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
28	3	6	W	6	SE1/4 SE1/4				w/in Arrington DLC 40				Domestic & Stock					

Priority date July 30, 1962
Amount of water 0.01 c.f.s., measured at the point of diversion; being 0.005 c.f.s. from each spring
Time limit to begin construction January 24, 1964
Time limit to complete construction 10/1/64 extended to extended to
Time limit to completely apply water 10/1/65 extended to extended to

Remarks:



1963-A
May 19 1963
Tom Carter

Basin 16 Vol. ___

Springs 2 together were just small holes
pipe leading out. Other was small box 2"x2"

Pipe: $\frac{3}{4}$ " plastic from springs to house

Mr Trotter said there was 72 lbs pressure at house

several hundred ft of fall. there was a 500 gal
tank for storage approx
200 ft fall to house

~~Tied to said NE car Harrington DLC 90~~

I made a survey on permit # 28362
on May 19, '63

Thomas R Laner
Field Engineer

P.S. There are 2 families living
in the one house

Bartels phoned 7-29 at time of inspection
3^d spring reported not hooked up
to house but furnishing water to neighbor. Claimed
~~formerly used by Trotter.~~

RECEIVED
JAN 18 1965

STATE ENGINEER
SALEM, OREGON

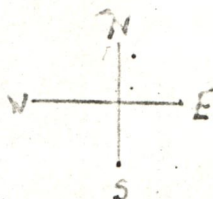
Application No. 37865
Permit No. 28362

RECEIVED
OCT 24 1962
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUL 1 1962
STATE ENGINEER
SALEM, OREGON

72
2.31
72
462
1617
166.32

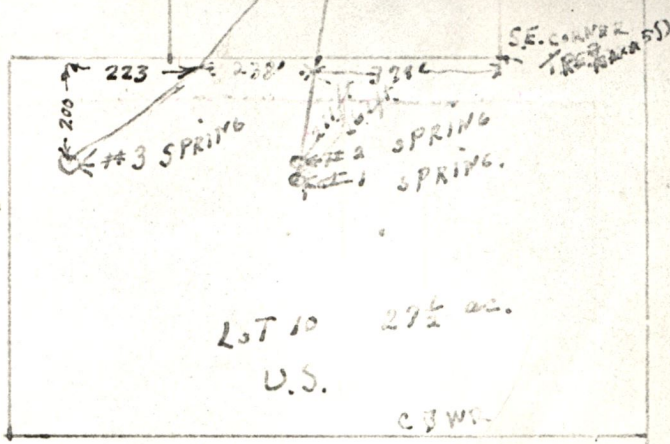
JM HARRINGTON DLC NO



HAPPY VALLEY ROAD # 26
576'

ROBERTS
RD. TRACT

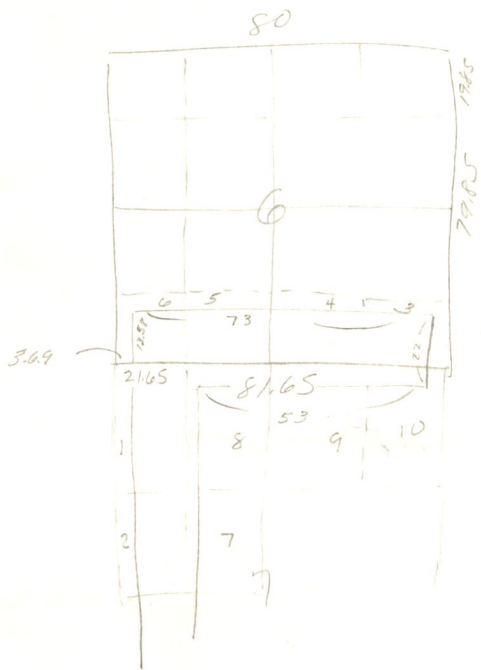
DLC NO
Rock



3 1/2 x 8 1/2
steel
3/4" plastic

TWSP 28
S Range 6 W.M.M.
DOUGLAS, Co. Oregon

SCALE 400' = 1 inch



James ^{MR} Arrington
DLC 40

WATERMASTER DISTRICT NO. 15
COUNTY COURTHOUSE
ROSEBURG 97470
TEL. 672-3311



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

REFER TO
FILE NO. _____

January 15, 1965

Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

RECEIVED
JAN 18 1965
STATE ENGINEER
SALEM, OREGON

C. O. Bartels, Assistant

Dear Bud,

Please find enclosed the field form for the Rodney D. Trotter, permit.

The water is for domestic purposes of one house, lawn and stock water. Mr. Trotter has an outlet 140 feet from the house, in a southerly direction, along the plastic pipe. He uses a portable watering trough.

Yours truly,

William J. Ruppert
Watermaster, Dist. 15

WJR:emb
Encl: 1

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310
March 16, 1965

REFER TO
FILE NO. 37865

Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

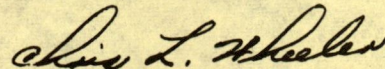
Dear Mr. Trotter:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No. 28362.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

Enclosure

caw

July 30, 1963

Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

Dear Mr. Trotter:

Your Permit 28362 describes the appropriation of water from three springs for domestic use. According to the report of our field engineer, two springs were in use but not the third one, except to the extent it was being used by a neighbor.

You can either make proof on the use of water from the two springs or utilize the time allowed by the permit so as to complete the construction and make use of water from the third spring if the two do not furnish you with an adequate supply of water for domestic use. The date for completion of construction under this permit is October 1, 1964, and the date for complete application of water, October 1, 1965.

Would you please notify us as to which course of action you elect so we may take action accordingly.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:jb

mc

July 22, 1963

Mr. & Mrs. Chas. E. Havel
Route 4, Box 535
Roseburg, Oregon

Dear Sir and Madam:

I have your letter of July 16, 1963 in regard to the use of water from certain springs.

On January 24, 1963, Water Right Permit No. 28362 was issued to Rodney D. Trotter in approval of his application numbered 37865, authorizing the appropriation of not to exceed 0.015 cubic foot of water per second, (approximately 7 gallons of water per minute), being 0.005 cubic foot of water per second from each spring for domestic use of two families including the irrigation of lawn and garden and stock use within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 28 S., R.6 W., with a priority date of July 30, 1962.

The three springs are described as being located the following distances and directions from the SE Corner of Donation Land Claim No. 40, which places them within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 7 of said township and range.

1. 262 feet South and 379 feet West.
2. 211 feet South and 379 feet West.
3. 200 feet South and 840 feet West.

The State Engineer does not have jurisdiction over property rights. Therefore, any easement or agreement for right-of-way which may be necessary to the authorized use of water is not conveyed by the permit but is strictly a private matter between the appropriator and the land owner.

Under the Water Laws of the State of Oregon as defined by the Oregon Supreme Court, if the waters of a spring do not under natural conditions flow in a well defined channel with at least the tendency toward flowing off the property regularly, the waters of the spring belong to the owner of the real property, in which case, a water right permit is not necessary to use of the water. Conversely the Supreme Court has held that if the waters of a spring do flow in a well defined channel and off the property upon which the spring arises, the waters of the spring are considered to be a part of the public stream system and are subject to appropriation only under the terms of a water right permit.

Mr. & Mrs. Chas. E. Havel

2

July 22, 1963

In accepting an application for a permit to use the waters of a spring and in issuing such permits, the State Engineer does not make a determination as to whether the waters of the spring are public or private.

Since you have indicated that you wish to file an application for a permit to appropriate water from a spring, I am enclosing the necessary forms together with a copy of the Rules and Regulations of the State Engineer.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

James W. Carver, Jr.
Assistant

JWC/gcc

Enc:

July 16 - 63
RECEIVED
JUL 17 1963

STATE ENGINEER
SALEM, OREGON

Dear Sirs:

We have been informed that Mr. Rod Trotter, a neighbor of ours has filed for a water right on land bordering both of us to the south, said land belongs to B.L.M. There is three springs on this land one of which we have been using for a number of years. Mr Trotter has filed for all three springs. We are not objecting to him filing for one or even two but we do not feel he should get all three. We were told to write to you and contest his filing on our water supply. He intimidated the water master here that he was hooked up to this spring (which he isnt) and that our usage was temporary.

We would like to file for this spring - it is the one on the west end.

Also we are interested in buying this land and have asked to be notified when it comes up for public auction

Any information you can give us will be greatly appreciated.

The legal discription on said land is -

Lot 10, Section 7, T.S. 285, R. 6.W.

Thank you,

Mr & Mrs Chas. E. Havel
Rt 4 Box 535
Roseburg Ore.

37865

February 15, 1963

Mr. Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

37865, permit No. 28362, & blueprint.

37865

October 31, 1962

Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

Dear Mr. Trotter:

This will acknowledge receipt of your returned application and the accompanying tracing.

Your application has been re-examined and now appears to be in satisfactory form to be considered for approval by issuance of a permit with the next group.

Very truly yours,

SWIS L. HUNTER
State Engineer

By

Walter H. Perry, Assistant

gcj

August 29, 1962

Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

Dear Mr. Trotter:

This will acknowledge receipt of your application for a permit to appropriate 0.03 cubic foot of water per second from three unnamed springs for the domestic use of two families and stock watering purposes, three sketch maps, a spring description, legal description and fees in the sum of \$20 for which our receipt number 34786 is enclosed.

Your application has been examined and filed under file number 37865. Before your application may be considered for approval by issuance of a permit it will be necessary that you complete Item 4 to show the location of each of the three springs from which you wish to divert water. It is also requested that you submit a spring description for each of the three springs. You have submitted one description as of this date, but do not indicate which spring it describes.

It will also be necessary that you complete Item 8 of the application to show the quarter-quarter section within which the water will be used. It appears that this will be the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6. You should indicate in Item 8 and on the accompanying map the place where water will be used for stock watering purposes, and the location of each house where water will be used for domestic purposes. It is also requested that you advise of the number of livestock you intend to supply with water and the manner in which the water will be made available to them.

It may be that the livestock use you intend would be included in our understanding of domestic use. Domestic use as we use the term is normally understood to mean household use and may include the use of water to irrigate a lawn and garden not exceeding one-half acre in area, and the watering of such livestock as are a part of the immediate family sustenance, such as the family cow, chickens, children's pony, etc.

Rodney D. Trotter

- 2 -

August 29, 1962

We are returning your application and the submitted map for completion, the application being endorsed so that in order to retain its date of priority it must be returned to this office on or before October 29, 1962.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

Walter N. Perry, Assistant

WNP/klr

Enclosures

37865

July 26, 1962

Rodney D. Trotter
Route 4, Box 530
Roseburg, Oregon

Dear Mr. Trotter:

This will acknowledge receipt of your application for a permit to appropriate 0.03 cubic foot of water per second from three unnamed springs for domestic use of two families and stock water use, three sketch maps and a spring description.

Your application cannot be filed at this time as the State Engineer is required by law to collect a \$10 examination fee before an application for a permit to appropriate water for any purpose may be filed. The fees necessary to the application as it is now written are a \$10 examination fee and a \$10 recording fee.

Before your application is resubmitted it should be completed as follows:

Item Four: The quarter quarter section within which the springs are located must be specified.

Item Six: The means by which the water will be diverted must be described.

Item Eight: The quarter quarter section in which the water will be used must be specified. A statement as to the number of livestock to be served will also be necessary to the application, also a description of the means by which the water will be supplied to them.

Rodney D. Trotter

-2-

July 26, 1962

Legal Description: A legal description of the property upon which the water will be used must accompany your application. The description should be copied word for word from your deed, abstract, title insurance policy, or sales contract.

The above acknowledged items are returned herewith.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

WNP/gcj
Enclosure

RECEIVED
JUL 24 1962

STATE ENGINEER
SALEM, OREGON

Application Number _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? no **No**
2. If not, give name and address of legal owner U.S.Govt.
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works? Pipe line in, Consent requested
4. If you have not such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? Five gallon
(Gallons per minute or cubic feet per second)
Minimum flow? Five gallon
Is flow measured or estimated? Measured
6. Does the stream flowing from spring form a well defined natural channel? _____
7. Does the water flow off the lands on which it first arises? No
8. Give the name of the stream or other body of water into which water from spring flows. sinks into ground
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. no distance
10. Remarks I have been using the water from this spring since 1949
I plan on putting a better casing around these springs, to keep out winter surface water.

Rodney D. Foster

Signature of Applicant

RECEIVED
JUL 30 1962
STATE ENGINEER
SALEM, OREGON

Application No. 37865

Permit No. _____

Spring #1

RECEIVED
OCT 24 1962
STATE ENGINEER
SALEM OREGON

Application Number _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? No
2. If not, give name and address of legal owner U.S. Govt., BLM
Roseburg office
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works? No - Appl. filed for easement
4. If you have not such consent, do you expect to secure right of way through condemnation? No.
5. What is the maximum flow from spring? at least 1/2 gallon
(Gallons per minute or cubic feet per second)
Minimum flow? .001 cfs
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? ~~No~~ Yes
8. Give the name of the stream or other body of water into which water from spring flows. S. Umpqua - spring only flows at Maximum high water times.
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. _____
10. Remarks _____

x Rodney D. Trotter
Signature of Applicant

Spring #2

RECEIVED
OCT 24 1962

STATE ENGINEER
SALEM, OREGON

Application Number _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? no
2. If not, give name and address of legal owner U.S. Govt. D.L.M.
Roseburg, Oregon, office
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works? no - appl. for easement
4. If you have not such consent, do you expect to secure right of way through condemnation? no
5. What is the maximum flow from spring? at least 4 1/2 gallon
(Gallons per minute or cubic feet per second)
Minimum flow? .001 0.15
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from spring flows. S.umpqua - spring only flows at maximum high water times
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. _____
10. Remarks _____

Rodney D. Foster
Signature of Applicant

Spring # 3

RECEIVED
OCT 24 1962

STATE ENGINEER
SALEM, OREGON

Application Number _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? no
2. If not, give name and address of legal owner U.S. GOVT. B.L.M.
ROSEBURG, oreg. office
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works? no - appl. for easement
4. If you have not such consent, do you expect to secure right of way through condemnation? no
5. What is the maximum flow from spring? at least 4 1/2 gal/min
(Gallons per minute or cubic feet per second)
Minimum flow? .001 CFS
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from spring flows. Sumpqua - spring only flows at maximum high water times
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. _____
10. Remarks _____

Rodney D. Trotter
Signature of Applicant

KNOW ALL MEN BY THESE PRESENTS, That M. A. ORMSBY AND ALICE V. ORMSBY, husband and wife, now and at all times during the ownership of the property herein described, grantor, ^s in consideration of Ten and No/100ths (\$10.00) Dollars, to them paid by RODNEY D. TROTTER AND MARIE C. TROTTER, husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the South side of Happy Valley Road No. 26 which is 78 links South from the Northeast corner of Donation Land Claim No. 40 in Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence South 21.22 chains; thence West 10.40 chains; thence North 17.23 chains to the South line of County Road No. 26; thence along the South line of said County Road No. 26 North 70° East 11.06 chains to the place of beginning, containing 20 acres of land more or less, all in sections 6 and 7, Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever. And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances,

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

Witness their hands and seals this 10 day of July, 1948.

M. A. Ormsby (REAL)
Alice V. Ormsby (REAL)

STATE OF OREGON,

County of Douglas } ss. On this 10 day of July 1948, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named M. A. ORMSBY AND ALICE V. ORMSBY, husband and wife

who are known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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

Paul H. Krieger
Notary Public for Oregon.
My commission expires Sept. 23, 1951
NOTARY PUBLIC FOR OREGON
My Commission Expires June 6, 1952



WARRANTY DEED

(FORM No. 714)

M. A. ORMSBY et ux

Vendors

TO

RODNEY D. TROTTER et ux

Vendees

Rt 4 Box 530

STATE OF OREGON,

County of Douglas

I certify that the within instrument was received for record on the 10 day of July 1948 at 9:40 a.m. and recorded in book 204 on page 576 Record of Deeds of said County.

Witness my hand and seal of County aforesaid.

ROY AGEE

County Clerk - Recorder

Notary Public

RECEIVED
JUL 30 1962
STATE ENGINEER
SALEM, OREGON

Application No. 37865
Permit No. 28362