

ASSIGNED

Name Beverly J. Treadwell
By _____
Address 1179 Winding Lane
Oakland, OR 97462

Date filed June 4, 1986
Priority June 4, 1986
Action suspended until SUR
Return to applicant _____
Date of approval FEB 26 1987

CONSTRUCTION

Date for beginning FEB 26 1988
Date for completion OCT 1 1988
Extended to _____
Date for application of water OCT 1 1989
Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed completed

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued _____

Application No. 68743
Permit No. 49888
Certificate No. _____

Stream Index, Page No. 16-24K

FEES PAID

Date	Amount	Receipt No.
<u>6-4-86</u>	<u>300.00</u>	<u>49488</u>
<u>1-17-95</u>	<u>10.00</u>	<u>121047</u>
<u>assignment 1-25-95</u>	<u>\$20.-</u>	<u>121279</u>

Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>459-1518</u> <u>9-25-87</u>	<u>Richard or Nadine Culp</u>	<u>Oakland, OR 97462</u> <u>1179 Winding Ln. Kellogg Star #7</u>		<u>1883</u>
<u>1-25-95</u>	<u>Russell F. & Holly Whaley</u>	<u>1179 Winding Ln, Oakland 97462</u>	<u>By deed</u>	

REMARKS

February 27, 1995

RUSSELL F & HOLLY J WHALEY
1179 WINDING LANE
OAKLAND OR 97462

REFERENCE: File 68743

The assignment by deed to you of Permit 49888 has been filed in the records of the Water Resources Department. Our records have been changed accordingly.

Receipts number 121279 and 121047 covering the \$30 recording fee are enclosed.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

enclosure



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

Abstract of Permit

owners: Russell + Holly Whaley
1179 Winding Ln.
Oakland, OR 97462

This is to certify that I have examined APPLICATION 68743 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions: *assigned to Richard Culp*

This permit is issued to ~~Beverly J. Treadwell~~ of 1179 Winding Lane, Oakland, Oregon, 97462, phone 459-1518, for the use of the waters of an unnamed spring, a tributary of Umpqua River,

for the PURPOSE of Domestic use for one family including the irrigation of not to exceed one-half acre lawn and noncommercial garden,

that the PRIORITY OF THE RIGHT dates from June 4, 1986,

JAN 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON
0.01 cubic foot

and is limited to the amount of water which can be applied to beneficial use and shall not exceed per second.

The POINT OF DIVERSION is to be LOCATED: 1060 feet North and 2770 feet West from the Southeast corner of Section 34, being within the SE 1/4 SW 1/4 Section 34, Township 23 South, Range 7 West, WM, in the County of Douglas.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 23 South, Range 7 West, WM	Section 34 SW1/4 SE1/4	Domestic use for one family including the irrigation of not to exceed one-half acre lawn and noncommercial garden
-------------------------------------	------------------------	---

Actual construction work shall begin on or before February 26, 1988, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1988.

Complete application of the water to the proposed use shall be made on or before October 1, 1989.

Witness my hand this 26th day of February, 1987.

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 68743

PERMIT

49888

1-23-85
TELEPHONE DISCUSSION WITH HOLLY WHALEY.
HOUSE BUILT IN '81 & CONTINUED USE OF WATER.
JCS

Basin " 16 Vol. 1A "
Umpqua R. MISC.

File No. (68743)

RECEIVED

JAN 25 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Tom,

Here is the description of
the property from my deed.

Also I sent \$20 for the
additwial fees for changing
the assignment of Richard Culp to
Holly & Russell Whaley

Thank you
Holly Whaley

T. 23 S. R. 7 W. S. 34

SCALE 1" = 400'

RECEIVED

JUN 4 1986

RECEIVED

JAN 17 1995

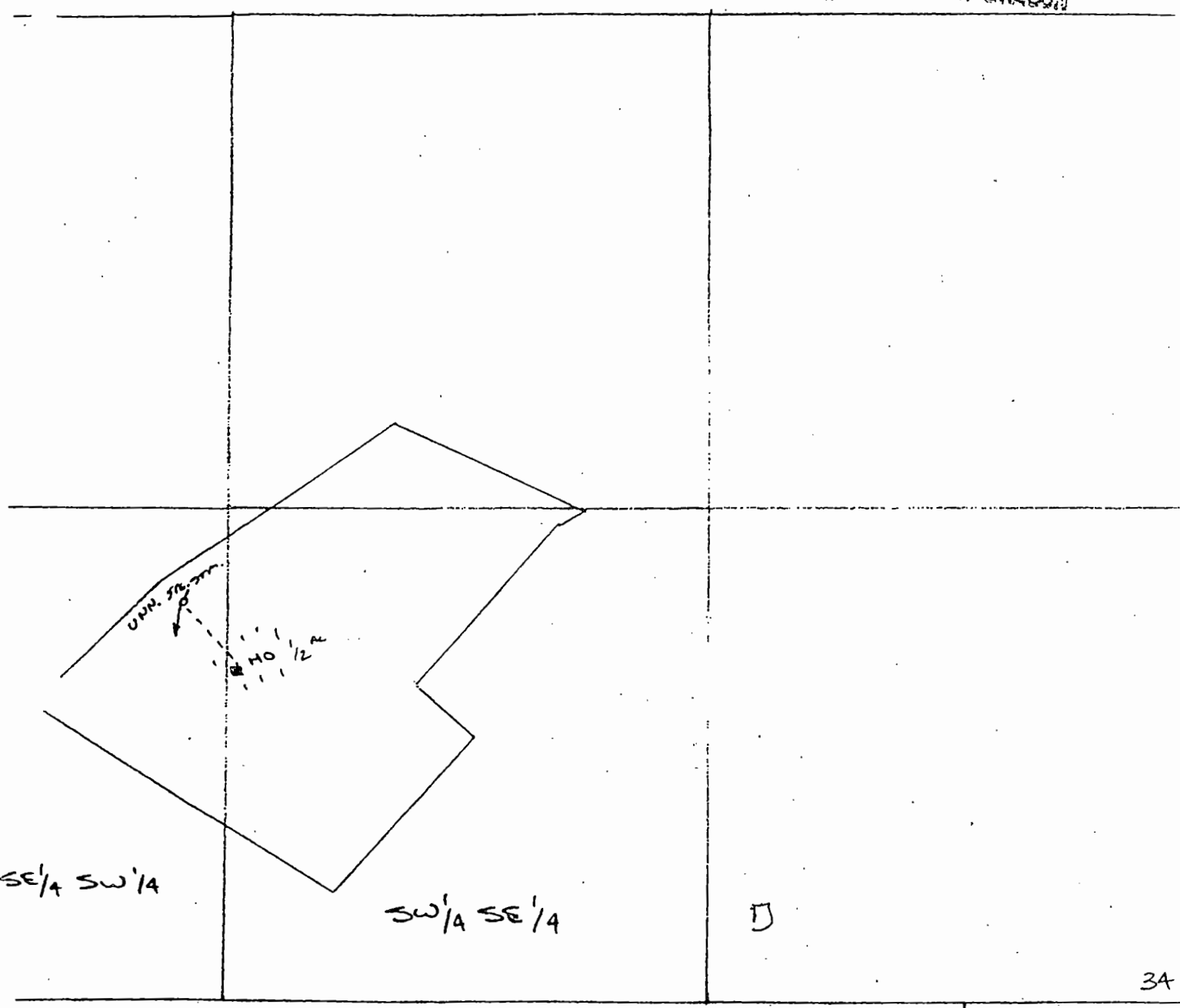
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

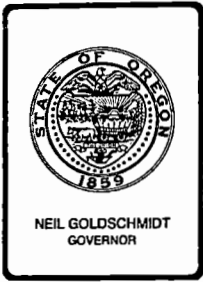
JUL 28 1986

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 68743
Permit No. 49888



DIST. (SP685m) = 1060' N. & 2770' W.
From SE cor. S. 34



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

October 19, 1987

Richard or Nadine Culp
1179 Winding Lane
Kellogg Star Route,
Oakland OR 97462

REFERENCE: **File Number 68743**

Dear Mr. and Mrs. Culp:

The assignment of Permit Number 49888 from Beverly June Treadwell to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our Receipt Number 53355 covering the recording fee of \$10 which you submitted.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES/jw

Enclosures

cc: Gary Ball Watermaster, District #15
James Kauppila, Engineering Technician

The completed assignment must be submitted to the Water Resources Director, 3850 Portland Road N.E., Salem, Or. 97310 together with a recording fee of \$10.

690-10-140

9-25-87
\$10.00
53355

Policy No. 70653 - 262222

Amount of Insurance \$129,000.00

Premium: \$527.50

RECEIVED

Date of Policy: August 29, 1991 at 11:26 a.m.

JAN 25 1995

WATER RESOURCES DEPT
SALEM, OREGON

1. Name of Insured:

RUSSELL F. WHALEY AND HOLLY J. WHALEY

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in :

RUSSELL F. WHALEY AND HOLLY J. WHALEY,
husband and wife, as tenants by the entirety.

4. The land referred to in this policy is described as follows:

BEGINNING at a 5/8 inch iron rod at the southernmost corner of the Neighbors' property (as described in Instrument No. 77-12938, book of records of Douglas County, Oregon) from which the Southeast section corner of Section 34, Township 23 South, Range 7 West, W.M., Douglas County, Oregon, bears South 68°58'02" East a distance of 2104.35 feet (previous deed record is South a distance of 725.46 feet and East a distance of 1975.35 feet); thence from point of beginning South 42°35'50.7" West a distance of 551.58 feet to a 5/8 inch iron rod; thence North 58°00'49.5" West a distance of 951.83 feet to a 5/8 inch iron rod at the southernmost corner of Aller property (as described in Instrument No. 77-12938, book of records of Douglas County, Oregon); thence North 45°30'53.3" East along the East boundary of said Aller property a distance of 476.91 feet to a 5/8 inch iron rod at the most easterly corner of said Aller property and the southernmost corner of the Crepps property; thence leaving said Aller

DESCRIPTION CONTINUED ON FOLLOWING PAGE

Page 1 of Policy No. 70653 - 262222

KEEP IN FILE 68743

property boundary and bears North 58°49'59.7" East along the Crepps' property a distance of 759.47 feet to a 5/8 inch iron rod; thence South 65°23'19.3" East along said Crepps' property boundary a distance of 575.41 feet to a 5/8 inch iron rod on said Neighbors property boundary; thence leaving said Crepps property boundary and bearing South 67°36'33.7" West along said Neighbors' property boundary a distance of 90.00 feet to 5/8 inch iron rod; thence continuing along said Neighbor's property boundary, bearing South 43°47'07.5" West a distance of 584.76 feet to a 5/8 inch iron rod; thence continuing along said Neighbors' property boundary, bearing South 50°12'27.1" East a distance of 202.07 feet to the point of beginning, and all being situated in the South half of Section 34, Township 23 South, Range 7 West, W.M., Douglas County, Oregon.

RECEIVED

JAN 25 1995

WATER RESOURCES DEPT.
SALEM, OREGON

CONTINUED ON FOLLOWING PAGE

ASSIGNMENT

RECEIVED

JAN 17 1995

I, RICHARD CULP

WATER RESOURCES DEPT.
SALEM, OREGON

?

(Mailing Address) (City) (State) (Zip)

do hereby assign all my interest in and to water right Application
No. 68743, Permit No. 49808, as filed in the office
of the Water Resources Director, to:

x Holly J & Russell F. WHALEY
(Name)

x 1179 Winding LANE OAKLAND OR. 97462
(Mailing Address) (City) (State) (Zip)

TELEPHONE NUMBER 459-3869

WITNESS my hand this _____ day of _____ 19 ____.

(Signature of Permittee)

The completed assignment must be submitted to the Water
Resources Department, 158 12th Street, N.E., Salem,
OR 97310, together with a recording fee of \$10.

690-10-140

Dear Sir,
This permit had not been completed and this
gentleman is yet to be found. Since this time a gentleman
named Sweeney & also the County has owned the property
We purchased it from the County in '91' and want to
keep the same agreement as Richard Culp has laid
out. We wish the permit to be in our name (legally),
Thank you Holly Whaley

Loan No. 19954339

AFTER RECORDING, MAIL TO:

PUGET SOUND SAVINGS BANK

1325 FOURTH AVENUE

SEATTLE, WA 98101

RECEIVED

JAN 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on November 13th
19 92. The grantor is RUSSELL F. WHALEY and HOLLY J. WHALEY, husband and wife

("Borrower"). The trustee is COMMERCIAL TITLE COMPANY, an
Oregon Corporation ("Trustee"). The beneficiary is
PUGET SOUND SAVINGS BANK, which is organized and existing
under the laws of the State of Washington, and whose address is 1325 FOURTH AVENUE,
SEATTLE, WA 98101 ("Lender").

Borrower owes Lender the principal sum of FIFTY-ONE THOUSAND & 00/100—
Dollars (U.S. \$ 51,000.00). This debt is evidenced by Borrower's
note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not
paid earlier, due and payable on December 1st, 2007. This Security Instrument
secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and
modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security
of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument
and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following
described property located in DOUGLAS County, Oregon:
SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

which has the address of 1179 WINDING LANE, OAKLAND
[Street] [City]
Oregon 97462 ("Property Address");
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and
fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security
Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and
convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will
defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited
variations by jurisdiction to constitute a uniform security instrument covering real property.

9. **Inspection.** Lender or its agent may make reasonable entries upon and inspections of the Property. Lender shall give Borrower notice at the time of or prior to an inspection specifying reasonable cause for the inspection.

10. **Condemnation.** The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, or for conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender.

In the event of a total taking of the Property, the proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with any excess paid to Borrower. In the event of a partial taking of the Property in which the fair market value of the Property immediately before the taking is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the taking, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the taking, divided by (b) the fair market value of the Property immediately before the taking. Any balance shall be paid to Borrower. In the event of a partial taking of the Property in which the fair market value of the Property immediately before the taking is less than the amount of the sums secured immediately before the taking, unless Borrower and Lender otherwise agree in writing or unless applicable law otherwise provides, the proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the condemnor offers to make an award or settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the proceeds, at its option, either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due.

Unless Lender and Borrower otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly payments referred to in paragraphs 1 and 2 or change the amount of such payments.

11. **Borrower Not Released; Forbearance By Lender Not a Waiver.** Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to any successor in interest of Borrower shall not operate to release the liability of the original Borrower or Borrower's successors in interest. Lender shall not be required to commence proceedings against any successor in interest or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

12. **Successors and Assigns Bound; Joint and Several Liability; Co-signers.** The covenants and agreements of this Security Instrument shall bind and benefit the successors and assigns of Lender and Borrower, subject to the provisions of paragraph 17. Borrower's covenants and agreements shall be joint and several. Any Borrower who co-signs this Security Instrument but does not execute the Note: (a) is co-signing this Security Instrument only to mortgage, grant and convey that Borrower's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower may agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without that Borrower's consent.

13. **Loan Charges.** If the loan secured by this Security Instrument is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge under the Note.

14. **Notices.** Any notice to Borrower provided for in this Security Instrument shall be given by delivering it or by mailing it by first class mail unless applicable law requires use of another method. The notice shall be directed to the Property Address or any other address Borrower designates by notice to Lender. Any notice to Lender shall be given by first class mail to Lender's address stated herein or any other address Lender designates by notice to Borrower. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given as provided in this paragraph.

15. **Governing Law; Severability.** This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision. To this end the provisions of this Security Instrument and the Note are declared to be severable.

16. **Borrower's Copy.** Borrower shall be given one conformed copy of the Note and of this Security Instrument.

17. **Transfer of the Property or a Beneficial Interest in Borrower.** If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

18. **Borrower's Right to Reinstate.** If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earlier of: (a) 5 days (or such other period as applicable law may specify for reinstatement) before sale of the Property pursuant to any power of sale contained in this Security Instrument; or (b) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees; and (d) takes such action as Lender may reasonably require to assure that the lien of this Security Instrument, Lender's rights in the Property and Borrower's obligation to pay the sums secured by this Security Instrument shall continue unchanged. Upon reinstatement by Borrower, this Security Instrument and the obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under paragraph 17.

19. **Sale of Note; Change of Loan Servicer.** The Note or a partial interest in the Note (together with this Security Instrument) may be sold one or more times without prior notice to Borrower. A sale may result in a change in the entity (known as the "Loan Servicer") that collects monthly payments due under the Note and this Security Instrument. There also may be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change in accordance with paragraph 14 above and applicable law. The notice will state the name and address of the new Loan Servicer and the address to which payments should be made. The notice will also contain any other information required by applicable law.

20. **Hazardous Substances.** Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property that is in violation of any Environmental Law. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property.

Borrower shall promptly give Lender written notice of any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge. If Borrower learns, or is notified by any governmental or regulatory authority, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law.

As used in this paragraph 20, "Hazardous Substances" are those substances defined as toxic or hazardous substances by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. As used in this paragraph 20, "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

21. **Acceleration; Remedies.** Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under paragraph 17 unless applicable law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by applicable law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this paragraph 21, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

JAN 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

THIS SPACE PROVIDED FOR RECORDER'S USE:

Filed for Record at Request of

PUGET SOUND SAVINGS BANK

1325 FOURTH AVENUE

SEATTLE, WA 98101

LOAN NO.: 19954339

Assignment of Deed of Trust

For Value Received, the undersigned as Beneficiary, hereby grants, conveys, assigns and transfers to **KeyCorp**
Mortgage Inc., a Maryland Corporation
whose address is 205 Park Club Lane, Buffalo, NY 14231
all beneficial interest under that certain Deed of Trust, dated November 13th, 19 92, executed
by RUSSELL F. WHALEY and HOLLY J. WHALEY, husband and wife
to COMMERCIAL TITLE COMPANY, an Oregon Corporation
and recorded on _____, 19 _____, in Volume _____ of Mortgages, at page _____
under Auditor's File No. _____, Records of DOUGLAS _____ County,
Washington, describing land therein as: SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART
HEREOF.

Together with note or notes therein described or referred to, the money due and to become due thereon, with interest, and all rights accrued or to accrue under said Deed of Trust.

Dated November 13, 1992

notary stamp

PUGET SOUND SAVINGS BANK

By Linda Schank (Notary Public)

By _____

STATE OF WASHINGTON
COUNTY OF King

On this 13th day of November, 19 92, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Linda Schank

and _____
to me known to be the Officer President and Secretary, respectively, of Puget Sound Bank the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Beth Stringer Hauer
Notary Public in and for the State of Washington, residing at EVERET
My Commission Expires 10-9-95

STATE OF WASHINGTON
COUNTY OF _____

On this day personally appeared before me _____
to me known to be _____
the individual described in and who executed the within and foregoing instrument, and acknowledged that _____
signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.
GIVEN under my hand and official seal this _____ day
of _____, 19 _____

Notary Public in and for the State of Washington, residing at _____
My Commission Expires _____

March 4, 1987

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

68743

49888



VICTOR ATIYEH
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 78-3066

September 12, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

This is to acknowledge the spring description sheet to support your Application 68743.

As mentioned in my earlier correspondence, if you will be diverting water directly from the spring, ~~reference to the stream needs to be deleted from Item 1 of the application as a source of water.~~

I am returning the application for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before November 12, 1986.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

enclosure

6584D

9/14/86
Beverly Treadwell

378-3066

September 12, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

This is to acknowledge the spring description sheet to support your Application 68743.

As mentioned in my earlier correspondence, if you will be diverting water directly from the spring, reference to the stream needs to be deleted from Item 1 of the application as a source of water.

I am returning the application for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before November 12, 1986.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

enclosure

6584D

Quicki-Note®

Date 8/8/ 19 86

To	WATER RESOURCES DEPT.	Subject
	3850 Portland Rd. NE	File #6874
	Salem, OR 97310	
Attention: Wayne Overcash		RECEIVED AUG 11 1986 WATER RESOURCES DEPT SALEM, OREGON
Per your letter of 7/29/86, I have attached the Spring		
Description Sheet and trust this will complete all the		
information you require.		
Thank you for your attention to this matter.		



47-231 Poly Display Pack (50 Sets)
47-232 Desk Dispenser (125 Sets)
Made in U.S.A.

From *Beverly Treadwell*
Beverly Treadwell

1179 Winding Lane, Oakland 97462

July 29, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

This is to acknowledge return of your Application 68743 along with the four prints of the supporting map.

The order of withdrawal mentioned in the 5th paragraph of my earlier letter of July 10, 1986, applies to South Umpqua River and the tributaries of the South Umpqua River. Since your proposed development is a tributary downstream below the confluence of the South Fork and North Fork of the Umpqua River, the withdrawal order does not effect your proposed appropriation. I apologize for any confusion this may have caused.

If as mentioned in our recent telephone discussion, you are diverting water directly at the spring, the enclosed spring description sheet will need to be properly completed and submitted.

Also, if you will be diverting water directly from the spring, reference to the stream should be deleted from Item 1 of the application as a source of water. Rather than return your application, I can delete reference to the stream upon receipt of your written authorization.

Further action on your application will be withheld for a reasonable length of time pending your reply.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
enclosure
5771D

RECEIVED

JUL 21 1986

WATER RESOURCES DEPT
SALEM, OREGON

July 16, 1986

Water Resources Dept.
3850 Portland Road
N. E. Salem OR 97310

Attention: Wayne Overcash

Re: Reference File 68743

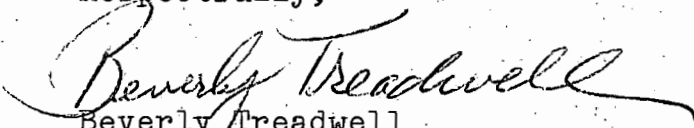
In regard to your letter of July 10, 1986, I have filled in the necessary wording, "lawn and garden" in item #5. It was inadvertantly omitted!

In regard to the problem of "irrigation of the lawn and garden during the first part of the irrigation season subject to existing rights and minimum stream flows", I am confused. According to the maps my property is approximately forty five (45) river miles below the mouth of the South Umpqua and it is my understanding there is no closure on the main Umpqua.

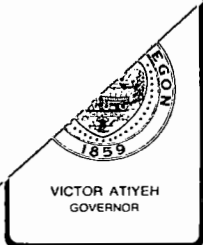
Attached are the "completed maps" per your request, "showing the location and direction of flow in the vicinity of the spring".

I trust the above will complete all the information you requested.

Respectfully,


Beverly Treadwell
1179 Winding Lane
Oakland, OR 97462

Encl.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

RECEIVED

JUL 21 1986

WATER RESOURCES DEPT
SALEM, OREGON

PHONE 578-3066

July 10, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

Your application describing the proposed use of 0.01 cubic foot of water per second from an unnamed spring-stream for domestic use including the irrigation of a 1/2 acre or less non-commercial lawn and garden, together with the 4 prints of the supporting map and legal description of the property has been reviewed.

We will need a little clarification on the source and uses you intend to make of the water before the application can be considered for approval.

I'm not sure from the information you submitted whether you intend to divert water directly from a spring or at some point down stream from the spring. A spring is considered the point or area at which the water naturally rises from the ground and any point downstream from the spring would be considered an unnamed stream or creek. If you will be diverting water from the stream downstream from the spring, only the unnamed stream should be listed as the source in item 1. However, if you will be diverting water directly from the spring, only the unnamed spring should be listed as the source of water and you will need to further complete and submit the enclosed spring description sheet.

You have further noted in item 1 of the application that we should refer to the remarks section. However, nothing has been entered in the remarks section on the third page. Please clarify this matter.

✓ If a lawn and garden are to be irrigated as indicated in item 3, for clarification, the lawn and garden should be included in item 5.

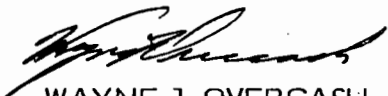
The permit that may be issued approving your application will provide for the use of water for domestic use including the irrigation of the lawn and garden during the first part of the irrigation season subject to existing rights and minimum stream flows. Due to the order of withdrawal of the South Umpqua River and tributaries, the permit will further limit the use water for irrigation purposes during the period July 15 through September 30 of each year to the irrigation of a noncommercial garden not to exceed 1/2 acre in area.

Beverly J. Treadwell
July 10, 1986
page 2

 Your supporting maps should be further completed by showing the location and direction of flow in the vicinity of the spring or stream.

I am returning your application along with four prints of the supporting maps for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before September 8, 1986.

Sincerely,



WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
5498D

July 10, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

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July 10, 1986
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Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
5498D

July 9, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

Dear :

REFERENCE: File 68743

Your application describing the proposed use of 0.01 cubic foot of water per second from an unnamed spring-stream for domestic use including the irrigation of a 1/2 acre or less non-commercial lawn and garden, together with the 4 prints of the supporting map and legal description of the property has been reviewed.

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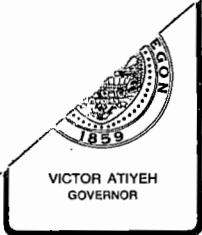
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I am returning your application along with four prints of the supporting maps for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before September 8, 1986.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
5498D



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 11, 1986

Beverly J. Treadwell
1179 Winding Lane
Oakland, OR 97462

REFERENCE: File 68743

We have received your application for use of water for domestic use including the irrigation of one-half acre or less non-commercial lawn and garden along with the supporting data and fees. Our Receipt 49488 is enclosed. Your application has been filed and assigned number 68743.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

enclosure
0003/X
5104D

Application No. 108743

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

JUN 4 1986

Application for Permit to Appropriate Surface Water
WATER RESOURCES DEPT
SALEM, OREGONI, Beverly J. Treadwell
(Name of Applicant)of 1179 Winding Lane, Oakland
(Mailing Address) (City)State of Oregon 97462 Phone No. 459-1518 do hereby
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Un-named Spring
a tributary of Chappaqua River2. The point of diversion is to be located 1060 ft. N. and 2770 ft. W.
(N. or S.) (E. or W.)
from the SE corner of Section 34
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Sec. 34 Tp. 23 S. R. 7 W., W. M., in the county of Douglas
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
<u>235</u>	<u>7W</u>	<u>34</u>	<u>SW $\frac{1}{4}$ SE $\frac{1}{4}$</u>	<u>Domestic use, including the irrigation of a $\frac{1}{2}$ acres or less non-commercial lawn & garden.</u>

54500

4. The amount of water which the applicant intends to apply to beneficial use is 0.1

cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is .. Domestic use including the
irrigation of a 1/2 acre or less non commercial
lawn and garden.

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

1500 Gall Holding Tank, PVC plastic
Supply line to house.

If for domestic use state number of families to be supplied 1

7. Construction work will begin on or before Complete

8. Construction work will be completed on or before Complete

9. The water will be completely applied to the proposed use on or before Complete

Application No. 68743

Permit No.

Remarks:.....

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Beverly J. Treadwell
Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for..... completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before September 8, November 12, 19 86

12th
WITNESS my hand this 10th day of July, September, 19 86

William H. Young, Water Resources Director

By *Wayne J. Overcash*
WAYNE J. OVERCASH

RECEIVED
JUL 18 1986
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
SEP 16 1986
WATER RESOURCES DEPT
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 4 day of June, 19 86, at 8 o'clock

AM.
Application No. 68743

Permit No.

Application No. 128743

Permit No. NCR.

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.01 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from an unnamed spring,

Tr. L. Unpqua R.

The use to which this water is to be applied is domestic & incl. L & G

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.

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

The priority date of this permit is June 4, 1986

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.

Complete application of the water to the proposed use shall be made on or before October 1, 19.

WITNESS my hand this day of, 19.

Water Resources Director

AKG

RECEIVED

JUN 4 1986

WATER RESOURCES DEPT
SALEM, OREGON

Amount \$42,500.00

Date December 20, 1983

At 8:00 A. M.

INSURED

Application No. 68743
Permit No. 49888

KENNETH TREADWELL and BEVERLY TREADWELL

The estate or interest referred to herein is, at the date hereof, vested in

EDJON CORPORATION,
an Oregon corporation

The land referred to in this policy is described as

Beginning at a 5/8 inch iron rod at the southern-most corner of the Neighbors' property (as described in Instrument No. 77-12938, Book of Records of Douglas County, Oregon) from which the southeast Section corner of Section 34, Township 23, South, Range 7 West, W.M., Douglas County, Oregon, bears S68° 58' 02"E a distance of 2104.35 feet (Previous deed record is South a distance of 725.46 feet and East a distance of 1975.35 feet); thence from point of beginning S42° 35' 50.7"W a distance of 551.58 feet to a 5/8 inch iron rod; thence N58° 00' 49.5"W a distance of 951.83 feet to a 5/8 inch iron rod at the southernmost corner of the Aller property (as described in Instrument No. 77-12938, Book of Records of Douglas County, Oregon); thence N45° 30' 53.3"E along the east boundary of said Aller property a distance of 476.91 feet to a 5/8 inch iron rod at the most easterly corner of said Aller property and the southernmost corner of the Crepps property; thence leaving said Aller property boundary and bearing N58° 49' 59.7"E along the Crepps' property a distance of 759.47 feet to a 5/8 inch iron rod; thence S65° 23' 19.3"E along said Crepps' property boundary a distance of 575.41 feet to a 5/8 inch iron rod on said Neighbors' property boundary; thence leaving said Crepps property boundary and bearing S 67° 36' 33.7"W along said Neighbors' property boundary a distance of 90.00 feet to a 5/8 inch iron rod; thence continuing along said Neighbors' property boundary, bearing S43° 47' 07.5"W a distance of 584.76 feet to a 5/8 inch iron rod; thence continuing along said Neighbors' property boundary, bearing S50° 12' 27.1"E a distance of 202.07 feet to the point of beginning, and all being situated in the South half of Section 34, Township 23 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

RECEIVED

AUG 11 1986

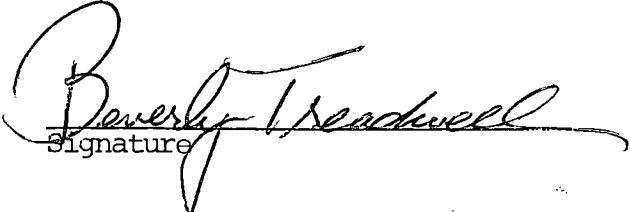
SPRING DESCRIPTION SHEET

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION 68743

1. Is the spring on property owned by 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 the spring in gallons per minute or cubic feet of water per second? ~~XXXXXX~~ less than 3 gal. per min.
What is the minimum flow? ~~XXXXXXXXXX~~ .5 GPM
Is flow measured or estimated? estimated.
6. Does the stream flowing from the spring form a well defined natural channel? No
_____.
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 the spring flows: None.
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing: 30'.
10. Remarks: _____

_____.


Signature

Signature

T. 23 S. R. 7 W. S. 34

SCALE 1" = 400'

Application No. 68743
Permit No. 49888

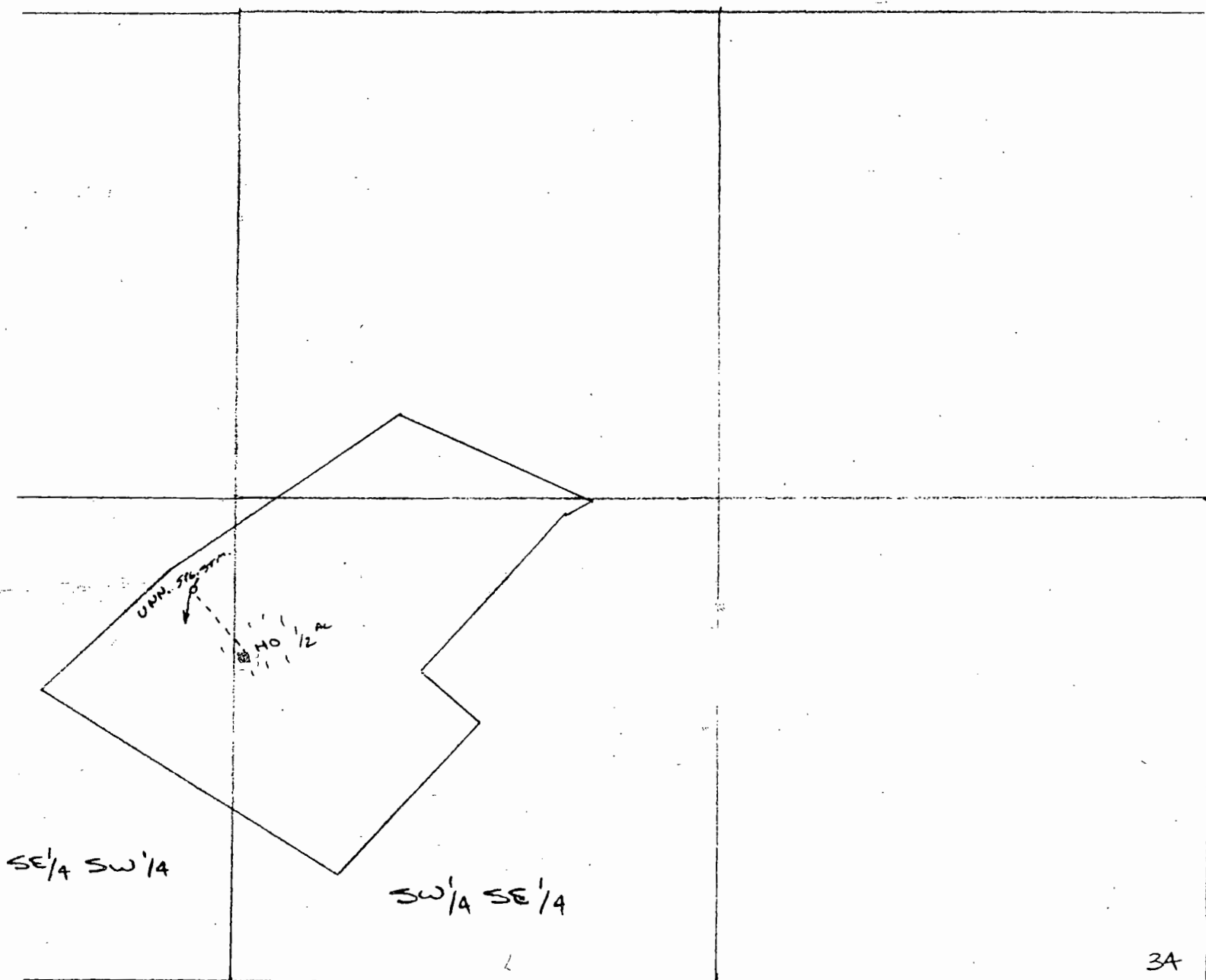
RECEIVED

JUN 4 1986
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 2 1986

WATER RESOURCES DEPT
SALEM, OREGON



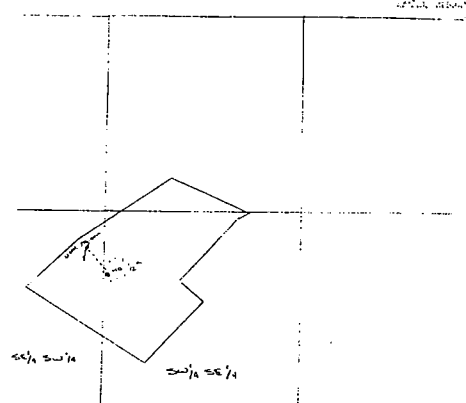
DIV PT. (SPR. STN.) = 1060' N. & 2770' W.
From SE cor. S. 34

T. 23 S., R. 12 W., S. 34

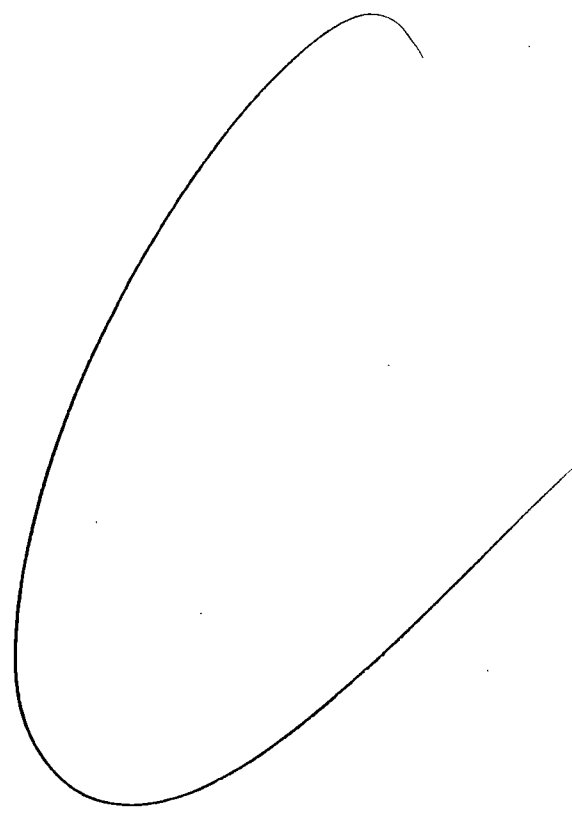
SCALE 1" = 100'

Application No. 68743
Permit No. 49888

RECEIVED
JUN 4 1980
WATER RESOURCES
DIVISION
SALT LAKE CITY, UTAH
RECEIVED
JUN 4 1980
WATER RESOURCES
DIVISION
SALT LAKE CITY, UTAH



Dist. (T. 23 S., R. 12 W.) = 1060' N. & 2770' W.
From SE 1/4 SW 1/4 S. 34



SUR

R

6-4-86

ASSIGNED

Application No. **68743**
Permit No. **49888**

Name Beverly J. Treadwell
Address 1179 Winding Lane, Oakland, OR 97462
Assigned Richard or Nadine Culp
Address Kellogg Star Rt, Oakland, OR 97462
Beginning construction FEB 26 1988
Completion of construction OCT 1 1988
Extended to _____
Complete application of water OCT 1 1989
Extended to _____

new owners: Russell + Holly Whaley
1179 Winding Ln.
Oakland, OR 97462