



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert. 93382**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year 2018 End Year 2019.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0_____	Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Schmidt Limited Partnership		PHONE NO. (503) 663-4128	ADDITIONAL CONTACT NO.
ADDRESS 9500 SE 327th Ave			FAX NO.
CITY Boring	STATE OR	ZIP 97009	E-MAIL SamD@jfschmidt.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application; and why:
 The proposed place of use is on a parcel of leased land without a water right. This temporary transfer would allow us to grow crops on that piece.
 If you need additional space, continue on a separate piece of paper and attach to the application as “Attachment 1”.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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

Applicant signature	Sam Doane Horticulturalist	7/2/2018
<i>Jan S. Barkley</i>	Print Name (and Title if applicable)	Date
Applicant signature	V.P.	8-29-18
	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant’s) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

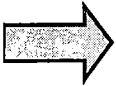
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Clackamas County	ADDRESS 2051 Kaen Rd	
CITY Oregon City	STATE Oregon	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Description of Water Delivery System

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System capacity: _____ cubic feet per second (cfs) **OR**
 250 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time ~~within~~ the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The water system consists of Barlow North Reservoir and a mobile pump. The pump is connected with irrigation mainlines that deliver water to the place of use. Water will be used to irrigate crops through overhead lines and underground drip tape.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Barlow North Reservoir	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		04 S	01 E	19	NE N NW W	200	650 feet south and 1450 feet east from the NW corner, Sec. 19.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change “CODES” are provided in parentheses):

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

Check all type(s) of temporary change(s) due to drought proposed below (change “CODES” are provided in parentheses):

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.

No

Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 93383

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																												
2	S	9	15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901								
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901								
4	S	1	E 19 SW SE	01002		14.4	Nursery	Barlow North Reservoir	2005	POU	4	S	1	E 19 NW NE	0100		4.5	Nursery	Barlow North Reservoir	2005								
4	S	1	E 19 SE SE	01002		0.9	Nursery	"	2005	POU	4	S	1	E 18 SW SE	0100	37	0.2	Nursery	"	2005								
4	S	1	E 19 SE SE	01092		3.7	Nursery	"	2005	POU	4	S	1	E 18 SE SE	0100	37	1.4	Nursery	"	2005								
4	S	1	E 18 SW SE	04500		8.2	Nursery	"	2005	POU	4	S	1	E 19 NE NE	0100		20.4	Nursery	"	2005								
TOTAL ACRES						27.2																TOTAL ACRES						26.5

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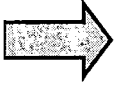
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Additional remarks: _____

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: 24057, 50656, 93608



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department’s web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L- _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of CLACKAMAS)

I, SAM DOANE, in my capacity as HORTICULTURALIST,

mailing address PO BOX 189 BORING, OR 97009

telephone number (503)663-4128, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # 93382 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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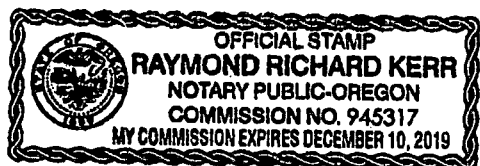
3. The water right was used for: (e.g., crops, pasture, etc.): NURSERY CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Sam Deane
Signature of Affiant

6/27/2018
Date

Signed and sworn to (or affirmed) before me this 28 day of June, 2018.



Thomas R. Kerr
Notary Public for Oregon

My Commission Expires: 10 Dec 2019

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. FRANK SCHMIDT & SON CO.
PO BOX 189
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES, FLCA
NORTHWEST FARM CREDIT SERVICES, PCA
650 HAWTHORNE AVE SE STE 210
SALEM OR 97301-5895

confirms the right to the use of water perfected under the terms of Permit S-54224. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86276

SOURCE OF WATER: BARLOW NORTH RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86275, PERMIT R-14225, A TRIBUTARY OF NETTER CREEK

PURPOSE OR USE: NURSERY USE ON 309.1 ACRES

MAXIMUM VOLUME: 9.0 ACRE-FEET EACH YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 26, 2005

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The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	19	NE NW	650 FEET SOUTH AND 1450 FEET EAST FROM NW CORNER, SECTION 19

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 E	WM	18	SW SE	4		9.2
4 S	1 E	WM	18	SW SE		37	12.9
4 S	1 E	WM	18	SE SE		37	11.0
4 S	1 E	WM	19	NE NE			13.8
4 S	1 E	WM	19	NW NE			23.9
4 S	1 E	WM	19	SW NE			19.1
4 S	1 E	WM	19	NE NW			33.3
4 S	1 E	WM	19	SE NW			40.0
4 S	1 E	WM	19	SE SW			17.3
4 S	1 E	WM	19	NE SE			37.6
4 S	1 E	WM	19	NW SE			25.0
4 S	1 E	WM	19	SW SE			37.0
4 S	1 E	WM	19	SE SE			29.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

NOV 17 2017

Issued _____



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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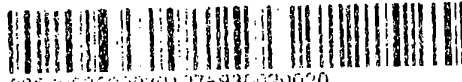
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FULFILLMENT SPECIAL WARRANTY DEED	
Richard E. Koch and June R. Koch	Grantors
Schmidt Limited Partnership P.O. Box 189 Boring, OR 97009	Grantee
After recording return to:	
Schmidt Limited Partnership PO Box 189 Boring OR 97009	

Clackamas County Official Records
Sherry Hall, County Clerk

2003-127693



\$31.60

00523636200301276930020020

09/23/2003 10:25 20 AM

D-D Cnt=1 Sm=2 BEV L
\$10.00 \$11.60 \$10.00

FULFILLMENT SPECIAL WARRANTY DEED – STATUTORY FORM

Richard E. Koch and June R. Koch, husband and wife, Grantors, convey and specially warrant to Schmidt Limited Partnership, an Oregon limited partnership, Grantee, the following described real property free of encumbrances created or suffered by the Grantors except as specifically set forth herein, situated in Clackamas County, Oregon, to-wit:

See Exhibit A for a full legal description.

The property is free of all encumbrances created or suffered by the Grantor except that certain life estate interest in a portion of the real property which as of the date of this deed continues to be retained by Richard E. Koch or June R. Koch in accordance with its terms and conditions as described in that certain contract dated January 6, 1989 and recorded as document number 89-01075.

The true consideration for this conveyance is \$150,000.

This deed is given in fulfillment of that certain contract dated January 6, 1989 by and between Richard E. Koch and June R. Koch, husband and wife, as Sellers, and J. Frank Schmidt, III, J. Frank Schmidt Jr., Jan E. Barkley, Evelyn L. Schmidt and Jean L. Webster, doing business under the assumed business name recorded as document number 89-01075 in the Deed Records of Clackamas County, Oregon, SAVE AND EXCEPT the life estate interest retained by Richard E. Koch and June R. Koch in accordance with the terms and conditions of that certain real estate contract described hereinabove, the Purchaser's interest having been subsequently assigned to Schmidt Limited Partnership by instrument dated June 3, 1999 and recorded as number 99-059913 in the Deed Records of Clackamas County, Oregon.

DATED this 9th day of September, 2003.

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 30.390.

Richard E. Koch
Richard E. Koch

June R. Koch
June R. Koch

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State of Oregon)
) ss.
County of Clackamas)

Personally appeared the above named Richard E. Koch and June R. Koch and acknowledged the foregoing to be their voluntary act and deed.

Before me this 9th day of September, 2003.

FATCO. NO. 218311-56

First American Title Accommodation
Recording Assumes No Liability

EXHIBIT -A-

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

A part of the D.L.C. of John Marks and wife, in Township 4 South, Range 1 East, of the W.M., bounded and described as follows, to-wit:

Beginning at a point in the west boundary of the John Marks D.L.C. No. 37, in Township 4 South, Range 1 East, of the W.M., that is 2640 feet south of the northwest corner of said claim; running thence East parallel to the north boundary of the said John Marks D.L.C., 2173.76 feet to an iron pipe driven in the line between Sections 17 and 18, said township and range; thence South tracing the line between Sections 17 and 18, a distance of 895.95 feet to a point that is 107.95 feet north of a stone set at the corner of Sections 17 and 18, 19 and 20, Township 4 South, Range 1 East, of the W.M.; thence West parallel to the north boundary of the John Marks D.L.C. 2178.7 feet to a point in the west boundary of said claim; thence North tracing the west boundary of said claim 895.95 feet to the place of beginning.

EXCEPTING THEREFROM the following described property:

Beginning at a point in the west boundary of the John Marks D. L. C. No. 37, in Township 4 South, Range 1 East, W.M., that is 2640 feet South of the Northwest corner of said claim; running thence East parallel to the North boundary of said John Marks D. L. C., a distance of 2173.76 feet to an iron rod driven in the line between Sections 17 and 18, said iron rod being the true point of beginning of the herein described tract; thence West parallel to the North boundary of said John Marks D.L.C., a distance of 1119 feet to a point; thence South parallel with the line between said Sections 17 and 18, a distance of 400 feet to a point; thence East parallel with the North boundary of said John Marks D.L.C., a distance of 1119 feet to the line between Sections 17 and 18; thence North along the East boundary of said Section 18, a distance of 400 feet to the true point of beginning.

PARCEL II:

A part of the D.L.C. of John Marks and his wife, in Township 4 South, Range 1 East of the W.M., bounded and described as follows, to-wit:

Beginning at a point in the West boundary of the John Marks D.L.C. No. 37, in Township 4 South, Range 1 East, of the W.M., which point is 2409 feet south of the northwest corner of said claim; running thence East parallel to the north boundary of the said John Marks D.L.C. 247.5 feet; thence South parallel to the section line between Sections 17 and 18, a distance of 231 feet; thence West 247.5 feet to a point in the west boundary of the John Marks D.L.C.; thence North tracing the west boundary of said claim, 231 feet to the point of beginning. -----

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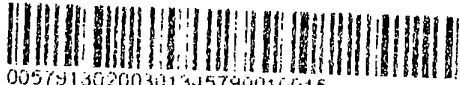
AUG 31 2018

FATCO. NO. 218311-6-2

Ellis J. Hester 17595 S.E. Lower Island Rd. Dayton, OR 97114	Grantor
Schmidt Limited Partnership P.O. Box 189 Boring, OR 97009	Grantee
After recording return to: Schmidt Limited Partnership P.O. Box 189 Boring, OR 97009	
Until a change is requested, all tax statements shall be sent to the following address: Schmidt Limited Partnership P.O. Box 189 Boring, OR 97009	

Clackamas County Official Records
Sherry Hall, County Clerk

2003-134579



\$26.00

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10/06/2003 03:02:53 PM

D-D Cnt=1 Sm=3 BEVERLY
\$5.00 \$11.00 \$10.00

FULFILLMENT SPECIAL WARRANTY DEED - STATUTORY FORM

Ellis J. Hester, Grantor, conveys and specially warrants to Schmidt Limited Partnership, Grantee, the following described real property free of all encumbrances created or suffered by the Grantor except as specifically set forth herein situated in Clackamas County, Oregon, to-wit:

A part of section 19, Township 4 South, Range 1 East, of the Willamette Meridian, described as follows:

Beginning at a point on the east line of said Section 19, which is 159 feet north of the southeast corner thereof; thence continuing North along said east line to a point which is 824 feet north of the southeast corner of said Section 19; thence West at right angles to the east line of said section, 360 feet; thence North parallel with said east line, 1320 feet; thence East at right angles to the last mentioned course, a distance of 360 feet to the east line of Section 19; thence North along the east line of said section to the one-quarter section corner; thence West along the east-west center line of said Section 19, to the center of said section; thence South along the north-south center line to the east-west 16th section line; thence West along the east-west 16th section line to the north-south 16th section line of Section 19; thence South along said north-south 16th section line to the south line of said section; thence East along said south line to a point which is 275 feet westerly from the southeast corner of said Section 19; thence North parallel to the east line of said section, 159 feet; thence East parallel to the south line thereof, 275 feet to the place of beginning.

TOGETHER WITH the following items of personal property, to wit:

75 Horse Power Aurora Vertiline Irrigation Pump, serial no. R-6326-05-122, and 500 lengths of 3" laterals with risers; sprinkler heads and fittings.

The property is free from all encumbrances created or suffered by the Grantor.

The true consideration for this conveyance is: \$680,000.00.

This deed is given in fulfillment of that certain contract dated March 18, 1988 by and between ELLIS J. HESTER as GRANTOR, and J. FRANK SCHMIDT, III, J. FRANK SCHMIDT, JR., JAN S. BARKLEY, EVELYN L. SCHMIDT and JEAN S. WEBSTER, doing business under the assumed name and style of SCHMIDT COMPANY, herein referred to as BUYER, recorded on March 21, 1988, in the Deed Records of Clackamas County, as instrument #88-10668; the vendee's interest in which contract having been transferred on July 29, 1998 by the conversion of the Schmidt Company to Schmidt Limited Partnership.

DATED this 26 day of Sept, 2003.

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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 30.930.

Ellis J. Hester
ELLIS J. HESTER

State of Oregon Hawaii np/mt)
County of Clackamas Hawaii np/mt) ss.