

3639

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POU & POD
Date filed 4-25-77
Date of hearing October 25, 1977
Place of hearing Baker
✓ Date of order 11-3-77 Vol. 30, page 3
Date for application of water 10-1-79
Proof mailed APR 27 1998
Proof received _____
Remain R+
Certificate issued _____ Vol. _____, page _____
~~8-1-94~~ NOV 28 1977 Vol. 37 page 44926
JAN 20 1999 75965

Name of stream Manning Creek
Trib. of _____ County of Baker
Use irrigation
Quantity of water _____ No. of acres 16^c
Name of ditch _____
Date of priority _____
In name of _____
Burnt River Adjudication, Vol. 8, page 197
App. No. _____ Per. No. _____ Cert. No. 33008
Certificate cancelled _____
Notation made on record by _____

Date	Amount	Receipt No.
<u>4-25-77</u>	<u>95⁰⁰</u>	<u>59962</u>
<u>8-1-94</u>	<u>\$10.⁰⁰</u>	<u>115097</u>
TOTAL . . .		
<u>10-21-77</u>	<u>\$2 Cert. Fee</u>	<u>Transferred from 59962</u>
<u>The Record-Courier \$23.45</u>		<u>10/21/77 ck 1685</u>

FEES REFUNDED

Date	Amount	Check No.
<u>10-21-77</u>	<u>\$24⁵⁵</u>	<u>1686</u>
Exam	<u>20 -</u>	<u>95 -</u>
POU	<u>10</u>	
POD	<u>15</u>	
Cer	<u>2 -</u>	
POW	<u>23⁴⁵</u>	

See files 41357, 55750, 55749 70⁴⁵
24⁵⁵

REMARKS

(See T# B-148 re forfeiture of right on lands in I-80 R/W and SW of R/W)
Before confirming need to clear records up
concerning Appl. 41357 (Cert 36715)

8-1-94 ASSIGNED. See Misc. Rec., Vol. 7 Page 2938 To: Edwin C. & Beverly M. White
867 Mingo Mtn. Rd.
Kettle Falls, WA 99141 ph. (509) 738-4105

INDEX CARDS:	Entered	Checked
✓ Name	<u>lg</u>	<u>---</u>
✓ Stream	<u>lg</u>	<u>---</u>
✓ Pl. of Div.	<u>---</u>	<u>---</u>
✓ Calendar	<u>lg</u>	<u>---</u>
CHECKED TO RECORD:		
✓ Twp. & Rge.	<u>lg</u>	<u>---</u>
✓ Decree-vault	<u>lg</u>	<u>---</u>
✓ Decree-safe	<u>lg</u>	<u>---</u>
✓ Cert. of W/R	<u>lg</u>	<u>---</u>
✓ Per. Folder	<u>---</u>	<u>---</u>
✓ Chaindex	<u>---</u>	<u>---</u>
✓ Cross Ref.	<u>---</u>	<u>---</u>
✓ Power Claim	<u>---</u>	<u>---</u>
✓ Abstracts	<u>lg</u>	<u>---</u>

 PER. 42791  PER. 42790

TRANSFER 3639

EDWIN AND BEVERLY WHITE

1969 W FOR TIE (Gould) 9/29/86 V.L.C.
PTS-1978-P-E 2/12/86 L.M.T.
PTS-1979-P-B V.L.C.

CORRECTIONS MADE 2/12/86 LMT, 11/10/97 (K)

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWIN C. AND BEVERLY M. WHITE
867 MINGO MOUNTAIN ROAD
KETTLE FALLS, WASHINGTON 99141

confirms the right to use the waters of MANNING CREEK, a tributary of the BURNT RIVER, for IRRIGATION OF 16.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at Page 134. The date of priority is 1879.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.0 ACRE-FEET PER ACRE DURING ANY IRRIGATION SEASON with the further limitations contained in Paragraph 64 of said decree.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 35, T 11 S, R 43 E, W.M.; 2830 FEET SOUTH AND 3370 FEET EAST FROM THE NW CORNER SECTION 35.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NE 1/4 15.1 ACRES
SECTION 34

SW 1/4 NW 1/4 0.9 ACRE
SECTION 35
TOWNSHIP 11 SOUTH, RANGE 43 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled; and

The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 3, 1977, and together with Certificate 44926, supersedes Certificate 33008, State Record of Water Right Certificates.

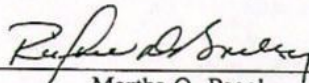
SEE NEXT PAGE

T-3639.KDD

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JANUARY 20, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75965.

B-148

V. 14 P. 342

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MOUNT MOORE

of Durkee, State of Oregon, has a right to the use of the waters of Manning and Swayze Creeks, tributaries of Burnt River; and Burnt River; (See below) a tributary of

for the purpose of

irrigation of ~~434.5~~ acres 418.5 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 8, at page 134; that the priority of the right thereby confirmed dates from (See below)

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed Three acre feet per acre during any irrigation season (with the further limitations contained in Paragraph 64 of said decree);

* NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33. All within T. 11 S., R. 43 E., W. M.

The point of diversion is located in the Manning and Swayze 1875, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35. Manning 1879, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35. Burnt River 1888, *(See above)
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

DATE OF PRIORITY	NUMBER ACRES	DITCH	STREAM	DESCRIPTION OF LAND
1875	248.5	Nickum Swayze Smith	Manning and Swayze	7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 T. 11 S., R. 43 E., W. M.
				28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 33 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 T. 12 S., R. 43 E., W. M.
1879	69 69	Brown	Manning Creek	9.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres in NW$\frac{1}{4}$ SE$\frac{1}{4}$ 23.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34 8 acres in NW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 34 T. 11 S., R. 43 E., W. M.

DATE OF PRIORITY	NUMBER ACRES	DITCH	STREAM	DESCRIPTION OF LAND
May 29, 1888	101	Shook	Burnt River	2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34 T. 11 S., R. 43 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 33008, Volume 25, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 3, 1977, approving transfer application No. 3639.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date March 11, 19 66.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33008

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That EARL SUITTER

of Box 6, Durkee, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Manning Creek

a tributary of Burnt River for the purpose of irrigation of 44.0 acres

under Permit No. 32301 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 17, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.10 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 11 S., R. 43 E., W. M. Diversion points located: 2690 feet South and 6100 feet East; 3440 feet South and 4500 feet East; both from NW $\frac{1}{4}$ Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year and shall be further limited to the time when water can be beneficially used between October 1 and March 31,

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

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

6.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
25.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.5 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
1.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34
9.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35
T. 11 S., R. 43 E., W. M.

may does not agree w/ cert

OUT OF SEASON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. June 16, 1970

CHRIS L. WHEELER

State Engineer

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That EARL SUITTER and WILMA SUITTER

of Box 6, Durkee, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Manning Creek

a tributary of Burnt River for the purpose of irrigation of 26.0 acres

under Permit No. 30895 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 10, 1965

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.65 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 11 S., R. 43 E., W. M. Diversion point located: 2690 feet South and 6100 feet East from NW $\frac{1}{4}$ Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

25.1 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34

0.9 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35
T. 11 S., R. 43 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. June 16, 1970

CHRIS L. WHEELER

State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
EARL AND WILMA SUITTER FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER FROM MANNING)
CREEK)

ORDER APPROVING
TRANSFER NO. 3639

On April 25, 1977, an application was filed in the office of the Water Resources Director by Earl and Wilma Suitter for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33008, Volume 25, State Record of Water Right Certificates, in the name of Mount Moore, describes a right which includes the use of water from Manning Creek for irrigation of 8.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34 and 8.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 11 South, Range 43 East, W.M., with a date of priority of 1879.

Water for the said right is diverted, through Moore Ditches Nos. 2 and 3, from points located (2) 3440 feet South and 4500 feet East and (3) 3500 feet South and 3500 feet East from the North quarter corner of Section 34, being within the (2) NE $\frac{1}{4}$ SW $\frac{1}{4}$ and (3) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 11 South, Range 43 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 16.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34 from a point of diversion located 2690 feet South and 6100 feet East from the North quarter corner of Section 34, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35.

Notice of the application, pursuant to ORS 540.510, was published in the Record Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of September 1, 8, and 15, 1977.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion from Manning Creek, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

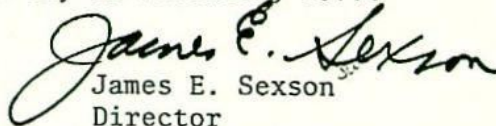
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the wier or measuring device be installed under the general supervision of said watermaster.

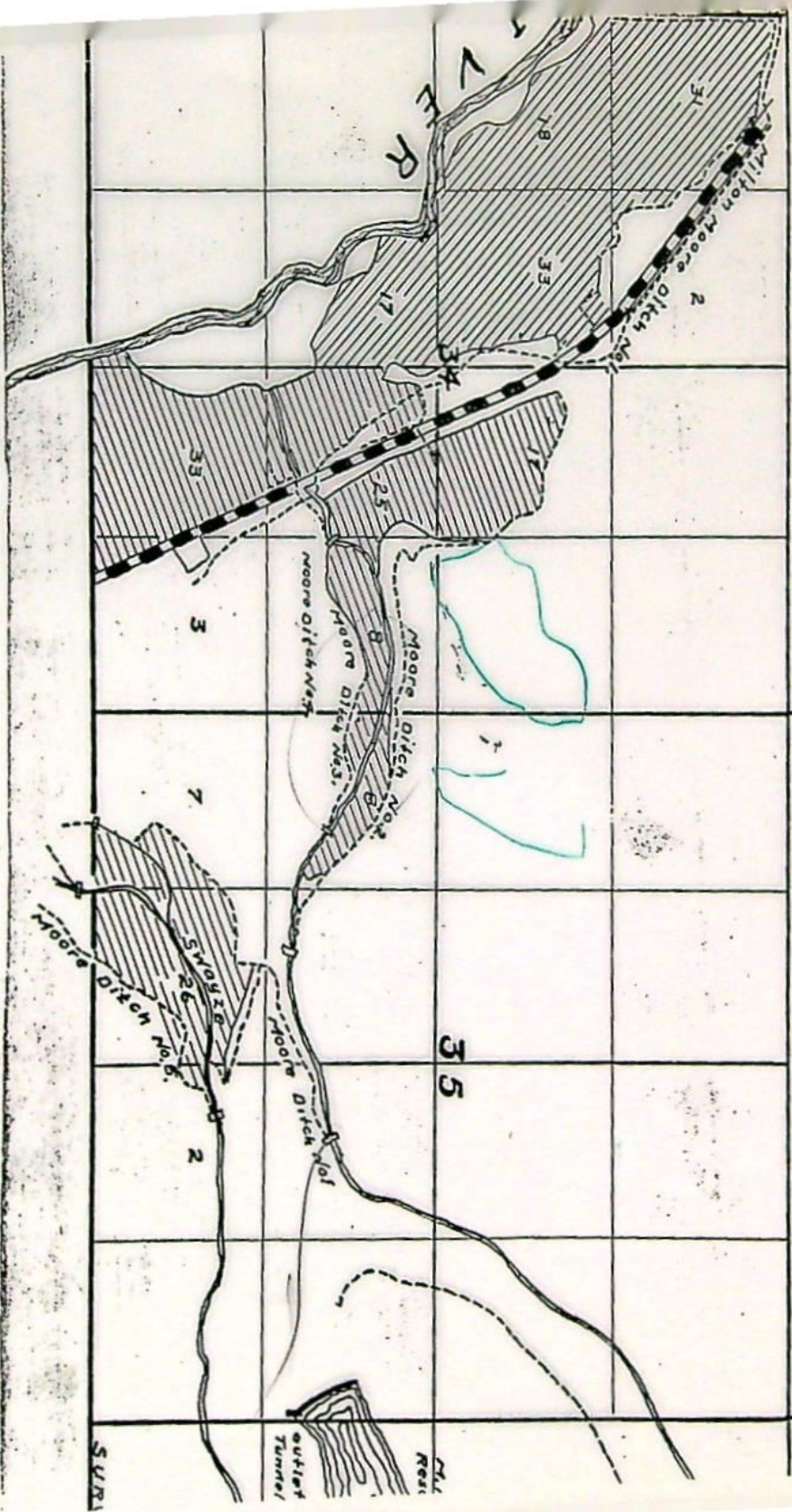
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mount Moore and recorded at page 33008, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

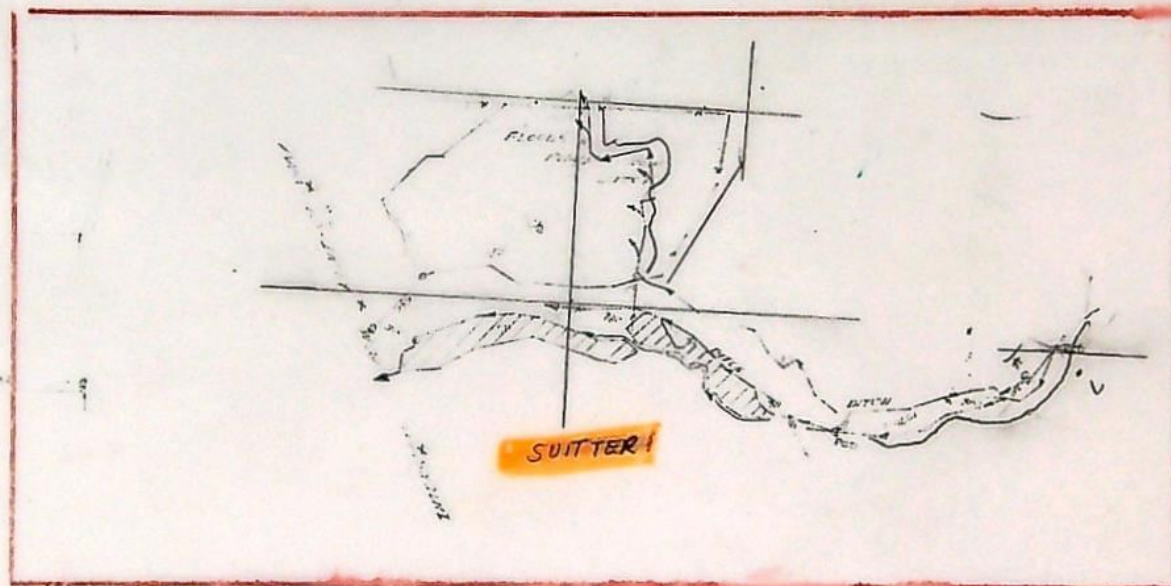
Dated at Salem, Oregon, this 3rd day of November, 1977.


James E. Sexson
Director

COPY



COPIED DIRECT
FROM PTS - 1978 P-E



EDGE ALON.
NW COR
SEC

OTIC
N7 144W 14.

STATE HWY

BLOOMER

SPRING

WELL

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 19 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon, County of Baker, ss.

I, Byron C. Brinton, being first duly sworn,

depose and say that I am the owner - printer of
The Record-Courier, which is a weekly newspaper of general
circulation published in Baker, in said county and state; that
such newspaper is made up of at least four pages of five
columns each and of at least 17 3/4 inches in depth of type
matter; that such newspaper was regularly and uninterrupted-
ly published once each week for at least twelve consecutive
months immediately preceding the first publication of the
attached Notice of Water Right Transfer

Application No. 3639

and has more than 200 bona fide subscribers within said
county; that the Notice of Water Right Transfer

Application No. 3639

of which the one hereto attached is a true and correct copy as
printed, was published in the regular and entire issue of said
newspaper and not in any supplement thereof, once each
week for 3 successive and consecutive weeks, being pub-
lished 3 times, commencing with the issue dated the
1st day of September, 1977, and ending with
the issue dated the 15th day of September, 1977.

That the amount of charge actually made and to be collect-
ed by such newspaper for such publication is \$ 23.45

Byron C. Brinton

Subscribed and sworn to before me this 16th day of
September, 1977.

Babae Lee Hanna

Notary Public for Oregon.

My commission expires June 6, 1981

screened, please inform
Baker IED

"You may do this by pr
ting a witten notice to the E
County IED in person at
Auburn Avenue, through
mail, or through your cl

THE
AGONY...

April 15, 1977

Water for the said right is diverted,
through Moore Ditches Nos. 2 and 3,
from points located (2) 3440 ft S and
4500 ft E and (3) 3500 ft S and 3500
ft E from the N 1/4 corner of Section
34, being within the (2) NE 1/4 SW
1/4 and (3) NW 1/4 SW 1/4 of Sec.
35, T11 S, R43 E, WM.

The applicants herein, owners of
the lands above described, propose
to change the place of use and point
of diversion therefrom and, without
loss of priority, to irrigate in lieu
thereof a certain 16.0 acres in SE
1/4 NW 1/4 of Sec 34 from a point
of diversion located 2690 ft S and
6100 ft E from the N 1/4 corner of
Sec 34, being within the NW 1/4 SE
1/4 of said Sec 35

All persons interested are notified
hereby that a hearing will be held at
the county courthouse at Baker,
Oregon, on October 25, 1977, at 9:30
a.m. All objections to the proposed
changes, if any there are, will be
heard at said time and place. Any
and all objections shall be prepared in

AFFIDAVIT OF PUBLICATION

SEP 19 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon County of Baker, ss.

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3639

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Earl and Wilma Suttter for approval of changes in place of use and point of diversion from Manning Creek.

The certificate recorded at page 33008, Volume 25, State Record of Water Right Certificates, in the name of Mount Moore, describes a right which includes the use of water from Manning Creek for irrigation of 8.0 acres in NE 1/4 SE 1/4 of Section 34 and 8.0 acres in NW 1/4 SW 1/4 of Section 35, Township 11 South, Range 43 East, WM, with a date of priority of 1879.

Water for the said right is diverted, through Moore Ditches Nos. 2 and 3, from points located (2) 3440 ft S and 4500 ft E and (3) 3500 ft S and 3500 ft E from the N 1/4 corner of Section 34, being within the (2) NE 1/4 SW 1/4 and (3) NW 1/4 SW 1/4 of Sec. 35, T11 S, R 43 E, WM.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 18.0 acres in SE 1/4 NW 1/4 of Sec 34 from a point of diversion located 2690 ft S and 6100 ft E from the N 1/4 corner of Sec 34, being within the NW 1/4 SE 1/4 of said Sec 35

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on October 25, 1977, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections shall be prepared in

writing, one copy to be served on Earl and Wilma Suttter, Box 206, Durkee, OR 97705 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 23rd day of August, 1977

JAMES E. SEXSON
Director

(35-37)

• Brinton, being first duly sworn,

at I am the owner - printer of

er, which is a weekly newspaper of general

ed in Baker, in said county and state; that

s made up of at least four pages of five

of at least 17 3/4 inches in depth of type

newspaper was regularly and uninterrupted-

each week for at least twelve consecutive

ely preceding the first publication of the

of Water Right Transfer

ation No. 3639

and has more than 200 bona fide subscribers within said

county; that the Notice of Water Right Transfer

Application No. 3639

of which the one hereto attached is a true and correct copy as

printed, was published in the regular and entire issue of said

newspaper and not in any supplement thereof, once each

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lished 3 times, commencing with the issue dated the

1st day of September, 1977, and ending with

the issue dated the 15th day of September, 1977.

That the amount of charge actually made and to be collect-

ed by such newspaper for such publication is \$23.45

Byron C. Brinton

Subscribed and sworn to before me this 16th day of

September, 1977.

Babara Lee Hanna

Notary Public for Oregon.

My commission expires June 6, 1981