

Name Peter H. Koehler
 By Tumalo Irrigation Dist.
 Address 64697 Cook Ave.
Bend, OR 97201

4051

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek
 Trib. of _____ County of Deschutes
 Use _____
 Quantity of water _____ No. of acres _____
 Name of ditch Tumalo Feed Canal
 Date of priority Sept, 1900
Deschutes County Municipal Imp. Co.
 In name of Susan Turner Now Tumalo Irrig. Dist.
Tumalo Creek Adjudication, Vol. 15, page 325
 App. No. _____ Per. No. _____ Cert. No. 26508
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-19-78</u>	<u>30-</u>	<u>6208</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Change in POU
 Date filed Sept. 19, 1978
 Date of hearing _____
 Place of hearing _____
 Date of order 10-26-79 Vol. 32, page 473
 Date for application of water 10-1-81 ^{Ext} 10-1-82
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

REMARKS

Surveyed 8/29/85 (Hayes)
Loss of Right 8-27-86 Special Order Volume 40, Page 282

W.R.I.S.

Assembled 9-9-85 by SPA

Entered _____ by _____

Verified _____ by _____

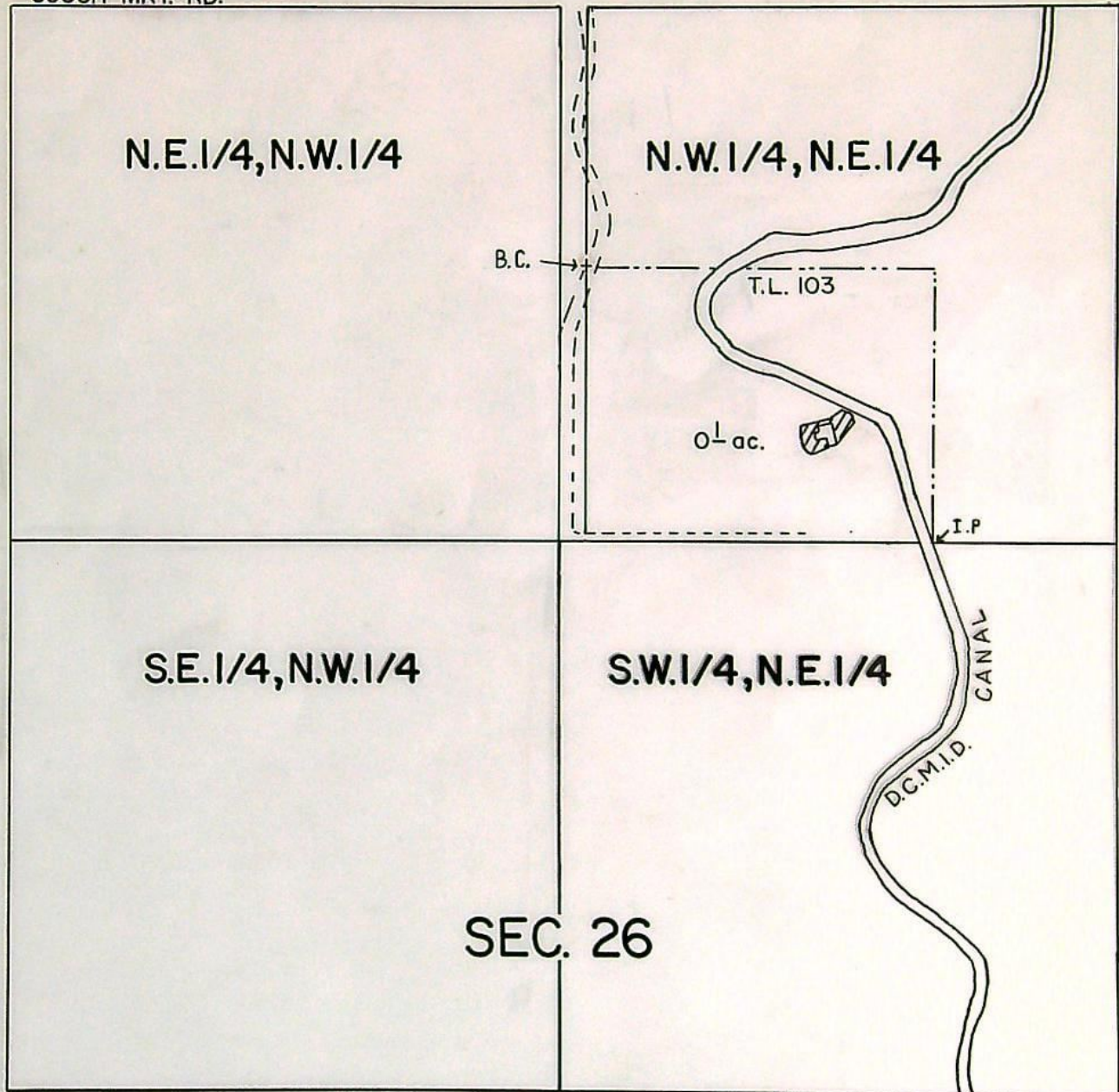
INDEX CARDS:

Entered _____ Checked _____

✓	Name	<u>SPA</u>	_____
✓	Stream	<u>SPA</u>	_____
✓	Pt. of Div.	<u>SPA</u>	_____
✓	Catchment	<u>SPA</u>	_____
✓	Two A Rge.	<u>SPA</u> <u>SPA</u>	_____
✓	Duplicate-vault	<u>WD</u> <u>SPA</u>	_____
✓	Duplicate-safe	<u>SPA</u> <u>SPA</u>	_____
✓	Cert. of W/R	<u>SPA</u> <u>SPA</u>	_____
✓	Per. folder	<u>SPA</u>	_____
✓	Chindex	_____	_____
✓	Cross Ref.	_____	_____
✓	Power Claim	_____	_____
✓	Abstracts	<u>SPA</u>	_____

T.16S., R.11E., W.M.

COUCH MKT. RD.



SEC. 26

SCALE: 1" = 400'

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 4051

IN NAME OF

EDMUND HAYES, JR.

Surveyed AUG. 29., 1985., by LESLIE OLSON...



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE TRANSFER)	
APPLICATION 4051 IN THE)	
NAME OF PETER H. KOEHLER)	LOSS OF RIGHT

Transfer Application 4051, in the name of Peter H. Koehler, proposed a change in place of use of water from Tumalo Creek under a certain right with a priority date of September, 1900, for irrigation of 1.0 acre in NW 1/4 NE 1/4, Section 26, Township 16 South, Range 11 East, WM.

The order of the Water Resources Director, entered October 26, 1979, approving Transfer Application 4051, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1979." An extension of time to October 1, 1982 in order to complete the project was subsequently allowed.

Based on the results of a survey conducted on August 29, 1985 by employees of the Water Resources Department, the applicant has irrigated 0.1 acre. Irrigation of the balance of 0.9 acre was not completed within the terms of the transfer, as extended, therefore, the right to irrigate 0.9 acre in NW 1/4 NE 1/4, Section 26, Township 16 South, Range 11 East, WM, is lost.

Dated at Salem, Oregon this 27th day of August, 1986.

William H. Young
WILLIAM H. YOUNG
Director

NOTE: A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

0337/d
6075D

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
PETER H. KOEHLER (TUMALO IRRIGATION)
DISTRICT) FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4051

On September 19, 1978, an application was filed in the office of the Water Resources Director by Peter H. Koehler for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of Susan Turner at page 325, Volume 15, for irrigation of, among other lands, a certain 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 16 South, Range 11 East, W.M., with a date of priority of September, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to a certain 1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 16 South, Range 11 East, W.M.

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in

place of use of water at a regular meeting held November 4, 1975.

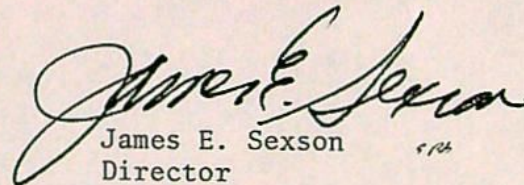
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 26th day of October, 1979.


James E. Sexson
Director

RECEIVED

DEC 4 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

T-4051
RECEIVED

SEP 19 1978
WATER RESOURCES DEPT.
SALEM, OREGON

To the STATE ENGINEER OF OREGON:

I, PETER H. KOEHLER / Tumalo Irrigation Dist.
(Name of applicant)

of Portland 64697 Cook Ave., County of Multnomah Deschutes
(Postoffice)

State of Oregon, do hereby make application for change

in place of use
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Tumalo Irrigation District
(Name of stream)

2. The use to which the water is applied is Irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Tumalo Feed Canal

4. The point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)

corner of being within the
(Section or subdivision)

of Section Tp. R. W. M., in the County of
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
16S	11E	26									1.0							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right?

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)

of permit #624 Supp.

10. Do you hold a water right certificate? yes If so, give number of certificate phase 2
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

..... If so, give title of proceedings *please see Remarks*
(Yes or No)

12. Is the water right recorded in your name? Suzan Turner Cont # 20508
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

[illegible]

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Change of irrigation ownership

207EN' OBESON
 MAYEM KESOMCES DEH
 DEC 4 1988
 RECEIVED

247EN OREGON
WATER RESOURCES DEPT
SEP 10 1978
RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, PETER H. KOEHLER, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 3 day of September, 1975

P. H. Koehler
(Name of applicant)

Subscribed and sworn to before me this 3rd day of September, 1975

[Notarial Seal]

Ruth Davis

NOTARY PUBLIC FOR OREGON

My commission expires May 26, 1978

Remarks

Primary Cert. # 26508 Susan Turner Sept. 1900

Tumalo Cr. Tributary of Deschutes River

Primary Cert. # 26050 Oct. 29, 1913 Tumalo Cr. Crater Cr. Little Crater Cr.
Three Springs Branches

Supp. Cert. # 31412 Deschutes River 1905

Supp. Cert. # 26051 40.0 ac. Apr. 7, 1911 Permit # 624
Crescent Lake Reservoir

approved by the Tumalo Board of Directors at their meeting;

Nov. 4, 1975

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

8-29-85
PB 11-1984-B
UGO

POD
POU
USE
Add'l POD

County Deschutes

PO BOX
306A
97208

figure out
away + such
app. form

6. Proposed Point of Diversion _____

8. Place of Use:

[illegible]

1^o 4853

Info: Ned Hayes (8-24-85)

Pump: ^{Franklin Elec.} 1½ hp, 3450 RPM Fairbanks-Morse 1¾" in x 1" out

Hds: 1 RB, 1 lawn type

Crop: lawn

Remarks: only irrigate small lawn around house. may try for an extension to get full acre. Tied to p.c. at SE and NW (brass cap).

TG: PTS 11-1984-B

AUG. 29, 1985

Seals done
WRG

SEC. 26 T.16 S. R.11 E.W.M.

grid numbers 105

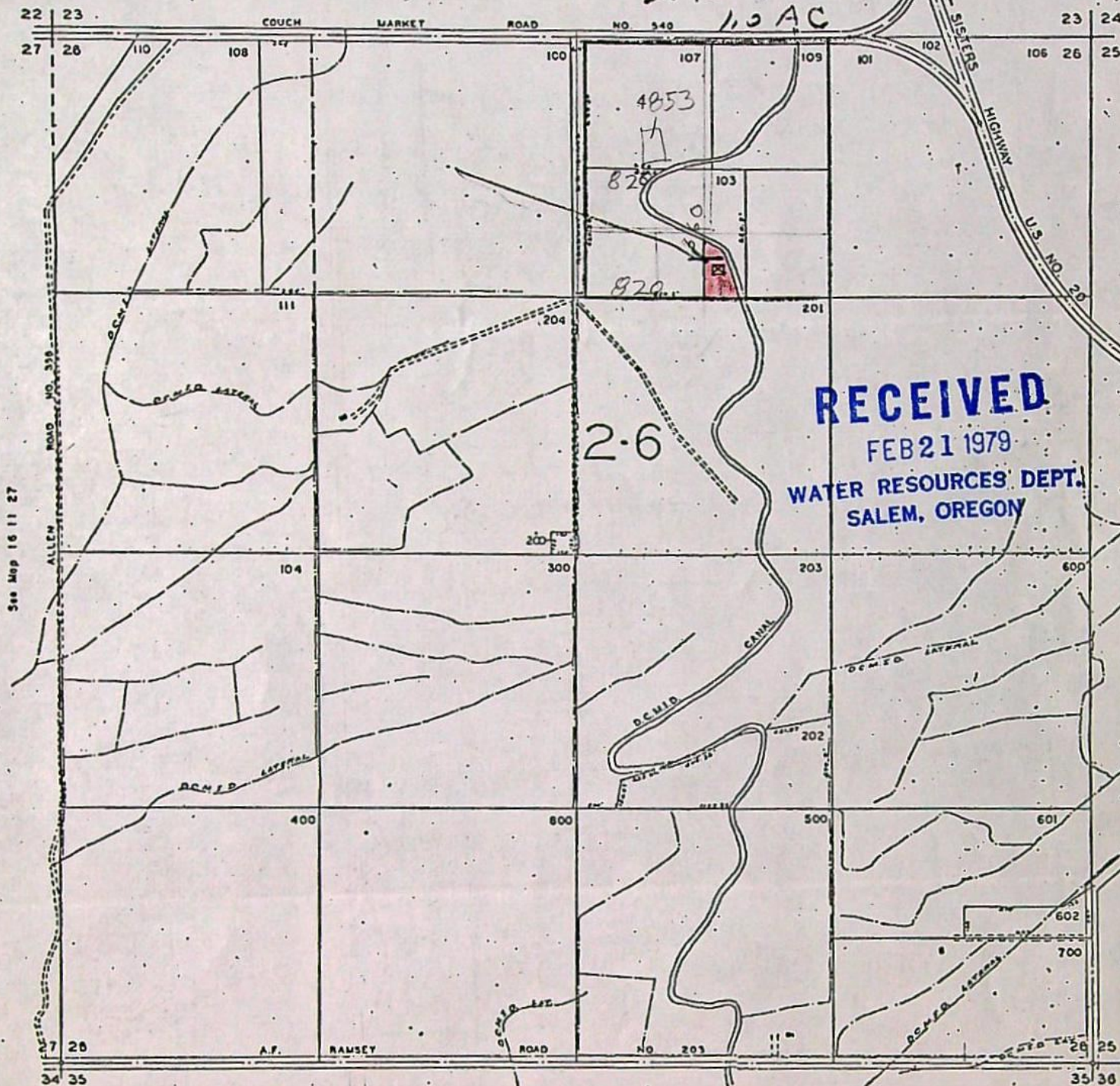
TL 207 16 11

DESCHUTES COUNTY

SCALE: 1" = 400'

See Map 16 11 23

NW 1/4 NE 1/4
E. Hayes
1.0 AC



RECEIVED

FEB 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

16 11 26

~~Can you identify where you are?~~

Basically just yard plus some overspray.
Area between ditch & sm. shed is occ. in.

1½ hp Franklin

Prop. cor. at NE - fence on ~~top~~ of canal area.

SE - across ditch at fence across
fr. row of stumps at fence xing on ditch.

RECEIVED
FEB 21 1979
WATER RESOURCES DEPT.
SALEM, OREGON

MEMO

TO: Larry Jebousek
FROM: Sam Allison^{sa}
SUBJECT: Extension Denial for File T-4051

April 7, 1986

Attached are copies of correspondence dealing with Transfer 4051 that pertain to the prior extension, completion report, final proof survey and finally, denial of a second extension.

Chronology is pretty much as stated in Mr. Hayes' letter of April 1, 1986. The original completion date was October 1, 1981. On December 9, 1981, an extension was granted to October 1, 1982, based on Mr. Hayes' statement that he had installed a pump and had irrigated about 1/2 acre.

We received a completion report on October 21, 1982, and set the file up for survey. The survey was made on August 29, 1985. Leslie found 0.1 acre irrigated.

On March 27, 1986, I sent a letter to Mr. Hayes outlining the history of the transfer, and stating that the right has been lost. He phoned me, and I told him that based on the record there was nothing further I could do, but he could petition the Director for reconsideration. During the course of the phone call, he said that he is irrigating all that he needs, but since Tumalo I. D. will charge him for one full acre regardless, he might as well irrigate the whole thing.

I do not think that he has demonstrated reasonable diligence, since it appears that he had irrigated all he wanted by 1982, but was prompted to act when the survey was made.

March 27, 1986

Edmund Hayes, Jr.
PO Box 3064
Portland, OR 97708

Dear Mr. Hayes:

REFERENCE: File T-4051

Your application for extension of the time limit in which to make complete application of water under the terms of Transfer 4051 has been received. We also have your fees in the amount of \$100 for which our Receipt 48958 is enclosed.

On December 9, 1981, the Water Resources Director allowed an extension of time to October 1, 1982 to complete the water right noted above.

Extensions are granted for one year only, and are effective from October 1 to October 1. Since Transfer 4051 had an original completion date of October 1, 1981, the first extension allowed one year from that date, October 1, 1982.

On October 21, 1982, we received a statement signed by you that you had completed the transfer.

A representative of the Water Resources Department inspected the lands involved in Transfer 4051 on August 29, 1985. At that time, 0.1 acre was irrigated and there was no indication that the balance of the water had been beneficially used.

There is no way, under Oregon law, to hold a water right except through continued beneficial use of the water under the provision of the subject water right, in this case, by October 1, 1982.

Proof of beneficial use under the terms of the order approving Transfer 4051, has not been demonstrated, nor has evidence of diligent effort toward completion been shown. Therefore, the right has been lost.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section
SRA:wpc

cc: Leslie Olson, Water Right Examiner

EDMUND HAYES, JR.
P.O. BOX 3064
PORTLAND, OREGON 97208

RECEIVED
APR 5 1986
WATER RESOURCES DEPT
SALEM, OREGON

April 1, 1986

Mr. William H. Young, Director
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Ref: File T-4051

Dear Mr. Young:

This letter concerns an application I recently made for an extension of the time limit to complete the above transfer. I am asking the Department to reconsider denial of the application for the reasons below.

The transfer of one acre in the Tumalo Irrigation District was originally applied for in October, 1979, with a completion date of October, 1981. My immediate needs did not require an acre of water, but this was the minimum right the Tumalo District would transfer. For some reason a one year extension was applied for and received, during which time a ditch pump was operating, irrigating domestic grass around my house. I had not made a measurement of the area, but assumed it to be sufficient to complete the right, and so reported to the Department when they inquired in October, 1982.

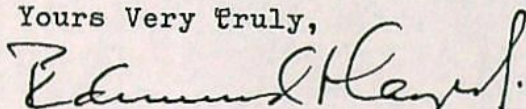
It now appears that this was a wrong assumption on my part, but I had no reason to question it until the property was inspected last August by the Water Resources Dept., and no knowledge of the amount of deficiency until I received a letter dated Feb. 13, 1986. After consulting with the Bend office of the Department and the Tumalo Irrigation District about ways to correct the deficiency, I applied for an extension until Oct. 1, 1986. I have just been advised that the extension has been denied, and that, in fact, I have lost the right.

To have been told in February that my water use was deficient and in March that it has been taken away has come as a shock. It is not practical to irrigate anything with .1 acre of water, which is all that now remains of my original 1 acre right.

I am sorry to have to bring this to your attention, but I am told by your office that it is my only course. This being the case, I believe I have good reason to ask you to review my application for an extension. I have kept up all my obligations to the Tumalo Irrigation District, have put considerable effort into developing the portion of the right I have been using and have a plan, with the irrigation district, to put the full acre to use. If I may be allowed the time I will correct any misunderstanding I may have had before August of last year.

In any case, I will appreciate any time you can give to reconsideration.

Yours Very Truly,

A handwritten signature in cursive script, appearing to read "Edmund Hayes, Jr.", written in dark ink.

Edmund Hayes, Jr.

cc: Leslie Olson, Water Right Examiner
Robert F. Main, Jr., Watermaster, District 11
Ralph McNulty, Tumalo Irrigation District

Transfer _____

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

To the WATER RESOURCES DIRECTOR OF OREGON:

I, EDMUND HAYES, JR. (Name of Applicant)
of P.O. Box 3064, Portland,
(Mailing Address) (City)
State of OR, 97208, 284-1440,
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

() point of diversion () place of use () use heretofore made
of water under the terms of an order of the Water Resources Director entered
on Oct. 26, 1979, approving Transfer 4057, in the name
of PETER H. KOCHLER,
for 12 AC. IN NW 1/4 NE 1/4 SEC. 26, T. 16S R. 11E. W. 1/4

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 1981:

PUMP INSTALLED IN DITCH, 0.1 ACRES GRASS PLANTED +
IRRIGATED.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: CONSTRUCT HOLDING POND, INSTALL PUMP, PLANT AND
IRRIGATE 9 ACRES ADDITIONAL GRASS.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because OF THE TIME NECESSARY TO PLAN AND CONSTRUCT THE
ADDITIONS.

and request that the
time for completion be extended to October 1, 1986.

(signature of applicant)

Edmund Hayes, Jr.

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:
WATER RESOURCES DEPARTMENT

Mill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310

WATER RESOURCES DEPT.
3850 PORTLAND ROAD N.E.
SALEM, OREGON 97310

3/26/82
\$100.00
48958

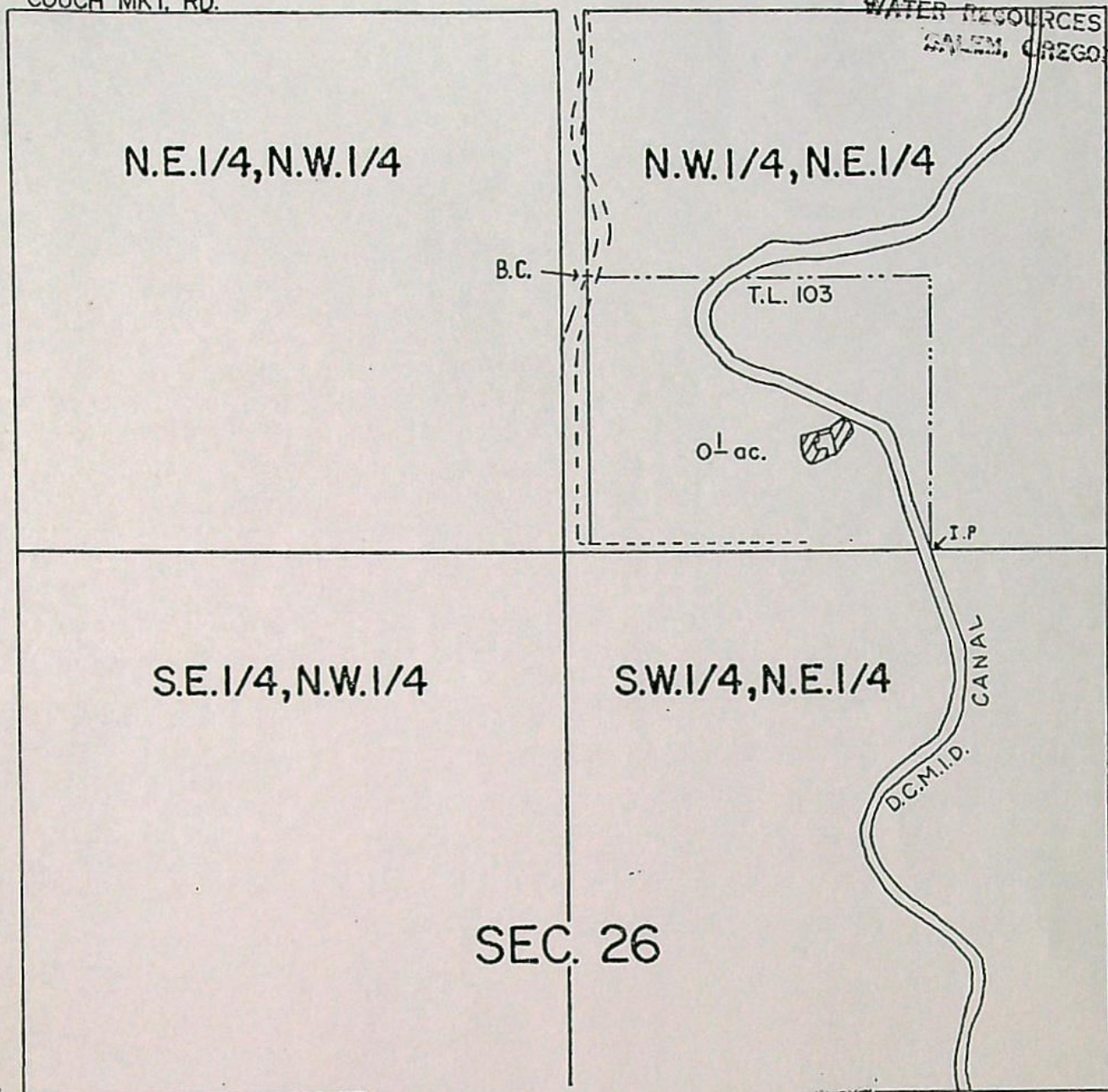
T.16S.,R.11E.,W.M.

RECEIVED

MAR 26 1986

COUCH MKT. RD.

WATER RESOURCES DEPT.
SALEM, OREGON



SCALE: 1" = 400'

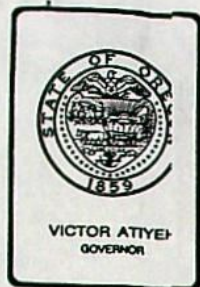
Preliminary Draft

TRANSFER NO. 4051

IN NAME OF

EDMUND HAYES, JR.

Surveyed AUG. 29, 1985, by LESLIE OLSON...



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

or

1-800-452-7813

(message line)

October 25, 1982

Edmund Hayes, Jr.
Tumalo Irrigation District
64697 Cook Avenue
Bend, OR 97701

Dear Mr. Hayes:

REFERENCE: File T-4051

We have received the Notice of Completion of Works and Use of Water for a change in place of use of water from Tumalo Creek, as allowed by Water Right Transfer 4051. A survey will be made at a later date to confirm extent of use.

A new certificate based on the survey will be issued at a later date. In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

LINDILLE C. JENSEN
Secretary
Transfer Section

LCJ:wpc

cc: Robert F. Main, Jr., Watermaster

0056/4
32148

COPY

378-3066

or

1-800-452-7813

(message line)

December 9, 1981

Edmund Hayes, Jr.
c/o Tumalo Irrigation District
64697 Cook Avenue
Bend, OR 97701

Dear Mr. Hayes:

REFERENCE: File T-4051

Your application for an extension of the time limit in which to make complete application of water under the terms of Transfer 4051 has been received. We also have your check in the amount of \$20 for which our Receipt 28665 is enclosed.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore; the time limit to make complete application of water is being extended to October 1, 1982.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
cc: Robert F. Main, Jr., Watermaster
0444A-1
8400A

RECEIVED
OCT 21 1982
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

PLACE OF USE OF WATER RIGHT

PURSUANT TO TRANSFER APPLICATION NO. T-4051

I, HAYES, hereby certify that
completion of works and use of water to the extent intended
within the provisions of the order of the Water Resources
Director approving said water right transfer application
was accomplished by June 30, 19 82.

9/7/82

Date

B. Hayes L.

Signature

(Mail completed form to Tumalo Irrigation District,
64697 Cook Avenue, Bend, Oregon 97701)

Ok
Qc

EDMUND HAYES, JR.
P.O. BOX 3064
PORTLAND, OREGON 97208

RECEIVED
APR 8 1986
WATER RESOURCES DEPT
SALEM, OREGON

April 1, 1986

Mr. William H. Young, Director
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Ref: File T-4051

Dear Mr. Young:

This letter concerns an application I recently made for an extension of the time limit to complete the above transfer. I am asking the Department to reconsider denial of the application for the reasons below.

The transfer of one acre in the Tumalo Irrigation District was originally applied for in October, 1979, with a completion date of October, 1981. My immediate needs did not require an acre of water, but this was the minimum right the Tumalo District would transfer. For some reason a one year extension was applied for and received, during which time a ditch pump was operating, irrigating domestic grass around my house. I had not made a measurement of the area, but assumed it to be sufficient to complete the right, and so reported to the Department when they inquired in October, 1982.

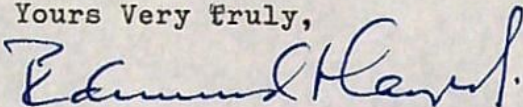
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I am sorry to have to bring this to your attention, but I am told by your office that it is my only course. This being the case, I believe I have good reason to ask you to review my applucation for an extension. I have kept up all my obligations to the Tumalo Irrigation District, have put considerable effort into developing the portion of the right I have been using and have a plan, with the irrigation district, to put the full acre to use. If I may be allowed the time I will correct any misunderstanding I may have had before August of last year.

In any case, I will appreciate any time you can give to reconsideration.

Yours Very Truly,



Edmund Hayes, Jr.

cc: Leslie Olson, Water Right Examiner
Robert F. Main, Jr., Watermaster, District 11
Ralph McNulty, Tumalo Irrigation District

Application for Extension of Time for Transfer of Water Right

RECEIVED

 DEC 2 1981
 WATER RESOURCES DEPT
 OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, EDMUND HAYES, JR. (Name of applicant)
 of 4256 S.W. PATRICK PL. (Mailing address), PORTLAND (City),
 State of OREGON, 97201 (Zip Code), 223-1221 (Phone number)

do hereby make application for an extension of time within which to complete
 a change in: () point of diversion
 (X) place of use
 () use heretofore made of water

under the terms of an order of the Water Resources Director entered on
OCT. 26, 1979, approving transfer application No. T-4051,
 in the name of PETER H. KOENLER *

The following has been accomplished toward completion of the
 change within the time allowed, which expired on OCT. 1, 1981:

PUMP IS INSTALLED AND APPROXIMATELY 1/2 ACRE
IS IN BENEFICIAL USE

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
 this matter. purchaser / transferee

12-2-81
 \$20.00
 #28665

To fully complete the change, it will be necessary to accomplish the following: _____

ARRANGE FOR EXTENSION OF IRRIGATION TO THE
FULL ACRES.

I am unable to complete the change under the terms of the order, within the time allowed, because OF SHORTAGE OF AVAILABLE
WATER.

and request that the time for completion be extended to OCT. 1, 1982.

AFFIDAVIT OF APPLICANT

I, _____, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of Nov.

_____, 1981.

Edmund Hays

Subscribed and sworn to before me this 23rd day of November, 1981.

[Notarial Seal]

James B. Burt
Notary Public for Oregon
My commission expires 9-4-87

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$20.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

Transfer 4051APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

RECEIVED

MAR 26 1986

To the WATER RESOURCES DIRECTOR OF OREGON:

I, EDMUND HAYES, JR.

(Name of Applicant)

WATER RESOURCES DEPT

SALEM, OREGON

of P.O. Box 3064

(Mailing Address)

Portland

(City)

State of OR97208

(Zip Code)

284-1440

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

() point of diversion () place of use () use heretofore made

of water under the terms of an order of the Water Resources Director entered

on OCT. 26, 1979, approving Transfer 4051, in the nameof PETER H. KOCHLERfor 12 AC. IN NW 1/4 NE 1/4 SEC. 26, T. 16S R. 11E. W. 1/4

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 1981:PUMP INSTALLED IN DITCH, 0.1 ACRES GRASS PLANTED +
IRRIGATED.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following: CONSTRUCT HOLDING POND, INSTALL PUMP, PLANT ANDIRRIGATE, 9 ACRES ADDITIONAL GRASS.I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because OF THE TIME NECESSARY TO PLAN AND CONSTRUCT THE
ADDITIONS.and request that the time for completion be extended to October 1, 1986.

(signature of applicant)

Edmund Hayes, Jr.MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:
WATER RESOURCES DEPARTMENTMill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310WATER RESOURCES DEPT.
3850 PORTLAND ROAD N.E.
SALEM, OREGON 973103/26/82
\$100.00
48958

RECEIVED
OCT 21 1982
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

PLACE OF USE OF WATER RIGHT

PURSUANT TO TRANSFER APPLICATION NO. I-4051

I, HAYES, hereby certify that
completion of works and use of water to the extent intended
within the provisions of the order of the Water Resources
Director approving said water right transfer application
was accomplished by June 30, 19 82.

9/7/82

Date

B. Hayes L.

Signature

(Mail completed form to Tumalo Irrigation District,
64697 Cook Avenue, Bend, Oregon 97701)

Ok
Qc

TUMALO CREEK

W T-0582-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. T0000 90511 PERMIT NO. 016188 CERTIF. NO. 0026508
 ORIG. NO. C000265081 PREV. NO. C000265081 SUPER. NO.

NAME: PETER H. KOEHLER

ADDRESS: TID, 64697 COOK AVE

CITY/STATE/ZIP/COUNTY: BEND, OR 97701

09

STREAM-ID 05 1980 1320

RIV. MI.

WM. DIST. 11 W.R. TYPE SC STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 10 01 1982

YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 09 30 1900

PUT TO USE--> 10 01 1982

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 09 19 1978

SURVEYED-->

EXAM. FEE-->

RECORDING FEE-->

PERMIT ISSUE--> 10 26 1979

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 10 26 1979

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

 POINT-OF-DIVERSION DATA:
 TWP/SP RGE SECT QTR/QTR STREAM-ID

05 1980 1320

RIV. MI.

RATE

STATUS S OR P

0.014

V

P

 ** REMARKS; - - - - -
 ** DATED-->

** CHANGES FOR PART OF TUMALO I. D. -----

** C-26508 SUPP. RIGHTS UNDER C-31412, -----

** C-26050, C-26051, P-27841. -----

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

1605 110E 26 A B 09 IR 100 1.00

V

P

W.R. I.S.

Approved 4-4-85 1,500

Entered by

Verified by

0.014

TUMALO CREEK, CRATER CREEK, LITTLE CRATER CREEK, THREE SPRING BRANCHES

W T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T0000 40512 PERMIT NO. 019628 CERTIF. NO. 0026050 NAME: PETER H. KOEHLER
 ORIG. NO. A000032631 PREV. NO. A000032631 SUPER. NO. ADDRESS: TID, 64697 COOK AVE
 CITY/STATE/ZIP/COUNTY: BEND, OR 97701 09
 STREAM-ID 05 1980 1320 RIV.MI. WM.DIST. 11 W.R.TYPE SA STATUS V

CANCEL YEAR---> CONSTR.COMPLT--> 10 01 1982 YR.LAST USED-----> NEXT ACTION DUE-->
 PRIORITY-----> 10 29 1913 PUT TO USE-----> 10 01 1982 LAST TRANS.DATE--> LAST TRANS.TYPE-->
 APPLICATION---> 09 19 1978 SURVEYED-----> EXAM.FEE-----> 20.00 RECORDING FEE-----> 10.00
 PERMIT ISSUE--> 10 26 1979 CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG----->
 CONSTR.STRT.--> 10 26 1979 CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA:

TWNSP RNGE SECT QTR/QTR STREAM-ID
 170S 110E 23 A C 05 1980 1320
 180S 100E 02 D B 05 1980 1320
 170S 090E 31 C A

RIV.MI. RATE

0.020

STATUS S OR P

V
 V
 V
 V
 V
 V

** REMARKS; - - - - ->
 ** DATED-->

** CHANGES POIN PART OF TUMALO I. D. C-26050.

** SUPP RIGHTS UNDER C-31412, C-26051, P-

** 27841, - - - - -

** - - - - -

** - - - - -

** - - - - -

** - - - - -

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

160S 110E 26 AB 09 IR 100 1.00 V S

W.R.I.S.

Assembled 4-4-85 by SOL

Entered by

Verified by

0.020

DESCHUTES RIVER

W T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000040513 PERMIT NO. 009493 CERTIF. NO. 0031412

NAME: PETER H. KOEHLER

ORIG. NO. C000313121 PREV. NO. C000314121 SUPER. NO.

ADDRESS: TID, 64697 COOK AVE

CITY/STATE/ZIP/COUNTY: BEND, OR 97701

09

STREAM-ID 05 1980

RIV. MI.

WM. DIST. 11 W.R. TYPE SC STATUS V

CANCEL YEAR----

CONSTR. COMPLT--> 10 01 1982

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1905

PUT TO USE-----> 10 01 1982

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 09 19 1978 SURVEYED----->

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE--> 10 26 1979 CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 10 26 1979 CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SECT QTR/QTR STREAM-ID
 05 1980

RIV. MI.

RATE

STATUS

S OR P

** REMARKS; - - - - -

** DATED-->

** SUPP. IR. CHANGES POW PART OF TUMALO

** I. D. C-31412. OTHER SUPP. RIGHTS UNDER

** C-26050, C-26051, P-27841.

 PLACE-OF-USE DATA:
 TWP/SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

1605 110E 26 AB 09 IR 100 1.00 V S

W.R.I.S.

Approved 4-4-85 by SAN

Entered by

Verified by

J. 0015

CRESCENT LAKE RES

W T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. T000040514 PERMIT NO. 000624 CERTIF. NO. 0026501
 ORIG. NO. A000013431 PREV. NO. A00013431 SUPER. NO.

NAME: PETER H. KOEHLER

ADDRESS: TID, 64697 COOK AVE

CITY/STATE/ZIP/COUNTY: BEND, OR 97701

09

STREAM-ID 05 1980 1450 0260 080

RIV. MI.

WM. DIST. 11 W.R. TYPE SA STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1982

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 04 07 1911

PUT TO USE-----> 10 01 1982

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 09 19 1978

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 10 26 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 10 26 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA:

TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

240S 060E 11 C D 05 1980 1450 0260 080

V

S

240S 060E 11 D C 05 1980 1450 0260 080

V

S

 ** REMARKS; - - - - -
 ** DATED-->

** SUPP. IR. CHANGES. POLL PART OF TUMALO

** I. D. C-26051. OTHER SUPP. RIGHTS UNDER

** C-26050, C-31412, P-27841.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES

STATUS S OR P

1605 110E 26 A B 09 IR 100 1.00

V

S

W.R.I.S.

Approved 7-9-85 SRA

Entered by

Verified by

IN Red T-2933

Peter H. Koehler 6.0 acres
Transferred off

Order date
March 7, 1974

SEC 26

TWP 16S

RANGE 11E

PRIMARY RIGHT

Priority dates from
✓ September, 1900
Cert. # 26508
40.0 acres

SUPPLEMENTAL RIGHT

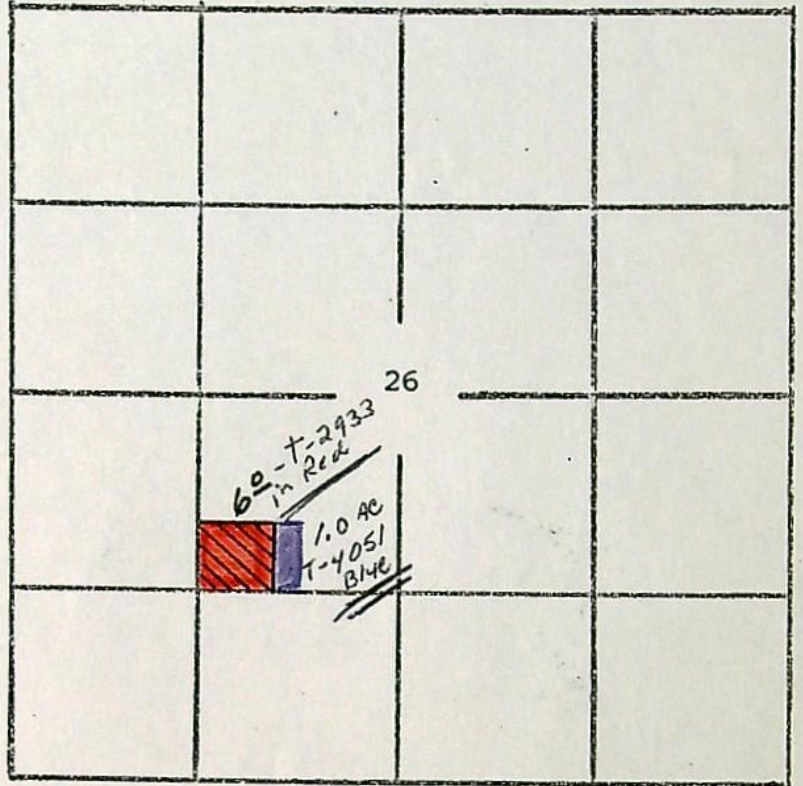
Priority dates from
✓ April 7, 1911
Cert. # 26051
Permit # 624
40.0 acres

SUPPLEMENTAL RIGHT

Priority dates from
✓ Oct. 29, 1913
Cert. # 26050
Permit # 19628
40.0 acres

SUPPLEMENTAL RIGHT

Priority dates from
✓ 1905
Cert. # 31412
40.0 acres



RECEIVED

DEC 4 1978

WATER RESOURCES DEPT.
SALEM, OREGON

TRANSFERRED FROM: NE $\frac{1}{4}$ SW $\frac{1}{4}$

SEC 26

TWP 16S

R 11E

TRANSFERRED TO:

SEC

TWP

R

NOTES:

RECEIVED

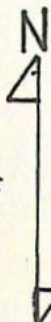
NOV 20 1973

STATE ENGINEER
SALEM, OREGON

SEC. 26

TWP 165

RANGE 11E



primary cert. 26508
Susan Turner Sept. 1900
Tumalo Cr. Tributary of Deschutes River

Primary Cert. # 26050 Oct. 29, 1913
Tumalo Cr. Crater Cr. Little Crater Cr.
Three Springs Branches

Supp. Cert. # ~~26~~ 34412 Deschutes River
1905

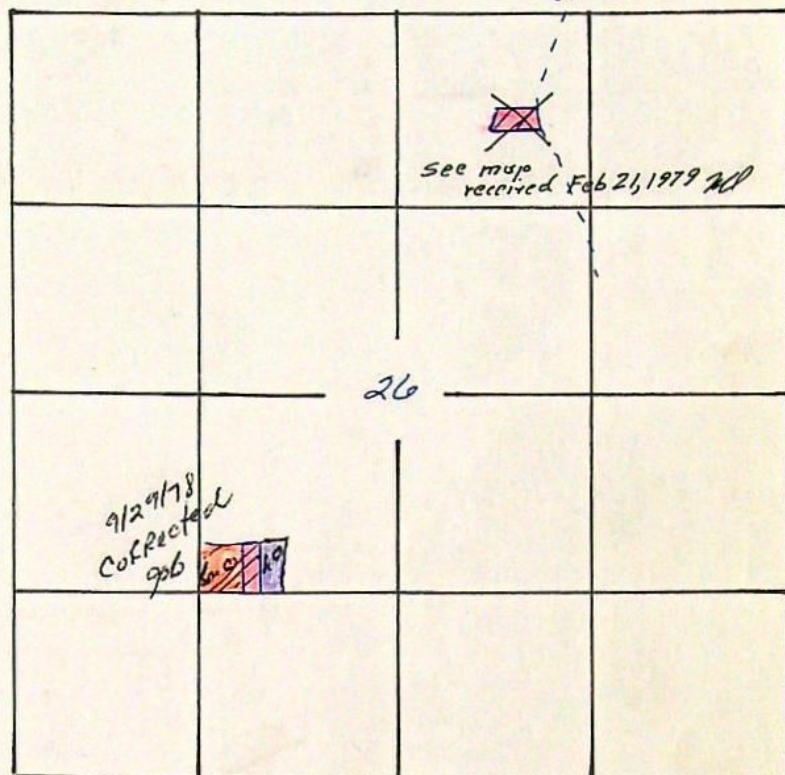
Supp. Cert. # 26051 40.0 ac.
Apr. 7, 1911 Permit # 624

Crescent Lake Reservoir

RECEIVED

DEC 4 1978

WATER RESOURCES DEPT.
SALEM, OREGON



Peter Koehler

TRANSFERRED FROM: NE 1/4 SW 1/4 SEC. 26 TWP. 165 R. 11E

E. Hayes

TRANSFERRED TO: NW 1/4 NE 1/4 SEC. 26 TWP. 165 R. 11E

Please Note

6.0 AC in Red - T-2933
1.0 AC in Blue - T-4051

Please see map T-2933 for details

T-4051

RECEIVED

SEP 19 1978

WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 16S RANGE 11E W. M. Card # 1 SECTION 26

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
										32 ^S								104
28°			40°							40°		40°	40°			953	571	
																Decree, Vol. 16 Page 188 Findings, Vol. 15 Page 325		26508 (6)
				29°	38°	38°		40°					38°	35°		Decree, Vol. 16 Page 188 Findings, Vol. 15 Page 326		26508 (7)
				29°	38°	38°	40°	40°					38°	35°		Supplemental 3263 19628		26050
			17°													Tr. Sp. Or. Vol. 7 Page 452		
18°																Tr. Sp. Or. Vol. 7 Page 452		
										32°						Tr. Sp. Or. Vol. 7 Page 227		
19°			32°	21°	14°							37°	33°			3263 19628		26050
19°			32°	21°	31°	38°	38°	40°	40°			37°	33°	38°	35°	Supplemental 1343 624		26051
	30			5°						35°								
19°	30°		32°	26°	31°	38°	38°	40°	40°	35°		37°	33°	38°	35°	37239 27840		2°
																37241 27841		37
	20°															38440 28622		14
	20°															38441 28623		14
19°			32°	21°	31°	38°	38°	40°	40°			37°	33°	38°	35°	Supplemental Deschutes River T-2498 V.21 P.64		31412

TOWNSHIP 16 S RANGE 11 E W. M. Card #2 SECTION 26

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																T-2924	REL 24P143	
																T-2933	REL 24P140	
																T-2940	X-24, P-424	
																T-2940	X-24, P-424	
																T-2928	X-24, P-427	
																T-4051 (out)		
																T-4051 (in)		

Bend Title Co. -
Bend, OR. 97701

Vol 208 pg 224

RECEIVED

OCT 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

11410

Vol 208 pg 224

SATISFACTION OF REAL PROPERTY MORTGAGE

KNOW ALL MEN BY THESE PRESENTS: THAT UNITED STATES NATIONAL BANK OF OREGON, a
national banking association, hereby certifies and declares that a mortgage dated November 8, 1978
made and executed by Peter H. Koehler and Alice H. Koehler, husband and wife
mortgagee, United States National Bank of Oregon, Century Tower Branch
mortgagee, and recorded on the 22nd day of November, 1978, in book 198 of
the mortgage records of Deschutes County, Oregon, on page 912

is satisfied and discharged.

IN WITNESS WHEREOF, UNITED STATES NATIONAL BANK OF OREGON has hereunto set its corporate
name and seal, by its proper officer(s) thereunto duly authorized, this 22nd day of January, 1979.

UNITED STATES NATIONAL BANK OF OREGON

By [Signature]
Title Manager

By _____
Title _____



STATE OF OREGON
County of Multnomah

On this _____ day of _____, 19____, personally appeared _____
and _____ both to me personally

known, who, being duly sworn, did say that they are vice president and assistant cashier, respectively, of UNITED
STATES NATIONAL BANK OF OREGON, the within named corporation, and that the seal affixed to said instrument
is the seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by
authority of its board of directors, and they acknowledged said instrument to be the free act and deed of said corporation.

BEFORE ME:

Notary Public for Oregon
My Commission Expires _____

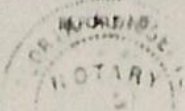
ACKNOWLEDGMENT FOR BRANCH USE ONLY

STATE OF OREGON

County of Multnomah

On this 22nd day of January, 1979, personally appeared _____

Edmond R. Plummer, to me personally known, who, being duly sworn, did say that he is the
Manager of the Century Tower Branch of UNITED STATES NATIONAL
BANK OF OREGON, the within named corporation, and that the seal affixed to said instrument is the corporate seal
of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its
board of directors, and he acknowledged said instrument to be the free act and deed of said corporation.



[Signature]

RECEIVED
OCT 24 1979
WATER RESOURCES DEPT
SALEM, OREGON

Kochler
?

7475
MORTGAGE

198 - 512

November 8, 1978

Peter H. Kochler and Alice M. Kochler, husband and wife	Mortgagor
2800 S.W. Byger Drive, Portland, Oregon 97201	Address
United States National Bank of Oregon	Branch
1201 S.W. 12th, Portland, Oregon 97207	Address

~~Standard mortgage~~

1. which is repayable with interest according to the terms of a promissory note dated the same as this mortgage, under which the first payment of principal and interest is due on or before _____ years from date. The term "indebtedness" as used in this mortgage shall mean (a) the principal and interest payable under the note, (b) any future amounts that the Bank may in its discretion loan to Borrower or Mortgagor, and (c) any sums paid or advanced by the Bank to discharge obligations of Mortgagor as permitted under this mortgage.

To secure payment of the indebtedness and performance of all obligations of Mortgagor under the mortgage, Mortgagor mortgages to the Bank and the Bank hereafter below the following property in _____ County, Oregon:

The Mortgagors are presently indebted to the Bank in the principal sum of \$44,592.00, as evidenced by a promissory note dated September 26, 1973. To secure payment of the indebtedness of the Mortgagors to the Bank as set forth in Paragraph 18 below, and also to secure performance of all obligations of the Mortgagors under this Mortgage, Mortgagors hereby mortgages to the Bank all of their interests under a real estate purchase contract to the following described property:

40 acres - Tax Lot 300

The Northeast Quarter of the Southwest Quarter of Section Twenty-six (26), Township Sixteen (16) South, Range Eleven (11), East of the Willamette Meridian.

40 acres - Tax Lot 202/203

The Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Twenty-six (26), Township Sixteen (16) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon.

together with all appurtenances, all existing or subsequently erected or affixed improvements or fixtures, and all equipment, furnishings and other articles of personal property now or subsequently located on or used in connection with the property, all of which are collectively referred to as the Property.

1. Possession and Maintenance of the Property

1.1. Until in default Mortgagor shall remain in possession and control of the Property and to the extent that the Property consists of commercial improvements shall be free to operate and manage the Property and receive the proceeds of operation. The Property shall be maintained in good condition or, if leased, Mortgagor shall promptly make all necessary repairs, replacements and improvements to the value of the Property shall be maintained, and Mortgagor shall not remove or permit any removal of the Property. Mortgagor shall comply with all laws, ordinances, regulations and private restrictions affecting the Property.

1.2. To the extent that the Property constitutes residential property or a farm or ranch, Mortgagor shall operate the Property in such manner as to insure maintenance of the land and improvements and shall use the Property for residential use and not for other use, and to the extent that the land is under cultivation, shall cultivate or otherwise use the Property according to good husbandry.

1.3. Mortgagor shall not develop or otherwise use the Property in such manner as to cause the Property to be subject to condemnation or other action of the Government.

2. Completion of Construction

2.1. If at the time of the completion of the construction of the improvements on the Property, the improvements are not completed or are not completed in accordance with the plans, the improvements shall be completed or a failure to complete the same shall constitute a breach of the mortgage and Mortgagor shall pay a sum of such amount as may be determined by the Bank.

3. Use of Land

Mortgagor shall not use the Property for any purpose other than that for which it was originally intended.

pay as due all claims for work done on or for services rendered or material furnished to the Property. Mortgagor shall maintain the Property free of any liens having priority over or equal to the interest of the Bank under this mortgage, except for the lien of taxes and assessments not delinquent and except as otherwise provided in 12.

12. Mortgagor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay so long as the Bank's interest in the Property is not prejudiced. If a lien arises or is filed as a result of nonpayment, Mortgagor shall within 15 days after the lien arises or if a lien is filed, within 15 days after Mortgagor has notice of the filing, secure the discharge of the lien or deposit with the Bank cash or a sufficient corporate surety bond or other security satisfactory to the Bank in an amount sufficient to discharge the lien plus any costs, attorney fees or other charges that would accrue as a result of a foreclosure or sale under the lien.

13. The Mortgagor or his successor in the county in which the Property is located is authorized to deliver to the Bank a written statement of the property taxes assessed or owing at any time.

4. Insurance

4.1. Mortgagor shall carry such insurance on the Property as shall be required by the Bank. This shall include insurance on the Property against fire, lightning, theft covered by a standard endorsement for residential coverage, and such other risks as may be specified by the Bank. Mortgagor shall maintain the Property in such condition as to insure the Property shall be covered by a standard fire policy, which shall be for the full replacement value of the Property, and shall be for an amount equal to the replacement value of the Property, and shall be for an amount equal to the replacement value of the Property, and shall be for an amount equal to the replacement value of the Property.

4.2. All proceeds of insurance on the Property shall be paid to the Bank and shall be deposited with the Bank in the event of loss. Mortgagor

OCT 24 1979
WATER RESOURCES
SALEM, OREGON

Property with the power to protect and preserve the Property and to operate the Property including foreclosure or sale and apply the proceeds hereof and above said of my recovery, against the Indebtedness. The receiver may serve without bond if permitted by law. The Bank's right to the appointment of a receiver shall not be affected by the appointment of a receiver outside the Indebtedness by a competent court.

13. Any other right or remedy provided in the mortgage or the provisions hereof shall be subject to the Indebtedness.

13.2 In exercising its rights and remedies, the Bank shall be free to sell all or any part of the Property together or separately or to sell certain portions of the Property and release from selling other portions. The Bank shall be entitled to bid at any public sale on all or any portion of the Property.

13.3 The Bank shall give Mortgagee reasonable notice of the time and place of any public sale of any personal property or of the sale of any real property or of any other intended disposition of the property to be made. Reasonable notice shall mean notice given at least ten days before the time of the sale or disposition.

13.4 A waiver by either party of a breach of a provision of this agreement shall not constitute a waiver of or prejudice the party's right otherwise to demand strict compliance with that provision or any other provision. Breach by the Bank in paying any money shall not constitute a waiver of any other remedy, and on petition to make expenditures or take action to perform an obligation of Mortgagee under this mortgage after failure of Mortgagee to perform shall not affect the Bank's right.

13. The term "Indebtedness" as used in this mortgage shall mean (a) the principal and interest payable under the note referred to above, (b) any future amounts that the Bank may in its discretion loan to Mortgagee plus interest thereon, and (c) any sums paid or advanced by the Bank to discharge the obligations of the Mortgagee as permitted under this mortgage.

to declare a default and exercise its remedies under this mortgage.

13.5 In the event said or action is initiated to enforce any of the terms of this mortgage, the Bank shall be entitled to recover from Mortgagee such sum as the court may judge reasonable as attorney's fees or costs and on any appeal. All reasonable expenses of the Bank shall be necessary or any time in the Bank's opinion for the protection of its interest or the enforcement of its rights, including without limitation, the cost of providing records, abstracts, title reports, survey reports, abstracts, opinions or title insurance, whether or not any such action is brought, shall become a part of the Indebtedness payable on demand and shall bear interest at the rate of ten percent per annum from the date of expenditure until repaid.

14. Notices.

Any notice under this mortgage shall be in writing and shall be effective when actually delivered or, if mailed, when deposited in registered or certified mail directed to the address stated in the mortgage. Either party may change the address for notice by written notice to the other party.

17. Successors and Assigns.

17.1 Subject to the limitations stated in this mortgage as to the nature of Mortgagee's interest, this mortgage shall be binding upon and inure to the benefit of the parties, their successors and assigns.

17.2 In construing this mortgage its true mortgage shall constitute the true security agreement when the instrument is being construed with respect to any personal property.

Alfred W. Knebler
Peter H. Knebler

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Multnomah) ss.
November 3, 1974

Personally appeared the above-named Peter H. Knebler
and Alfred W. Knebler

and acknowledged the foregoing instrument to be their
voluntary act

Before me

[Signature] Notary Public for Oregon
My commission expires 11-14-77

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of) ss.
19

Personally appeared _____, and
_____ who, being sworn, stated
that he, she said _____ is a
_____ of Grantor corporation and that
the said Alfred Knebler is its president and that the said was voluntarily
signed and sealed in behalf of the corporation by authority of its Board
of Directors

Before me

[Signature] Notary Public for Oregon
My commission expires

PARTISAN ACKNOWLEDGEMENT

STATE OF OREGON

County of

This CERTIFICATE was on the _____ day of _____ 19 _____ personally appeared _____

Before me, the undersigned, a Notary Public in and for said County and State, the within named _____

known to me to be the person named in and who executed the foregoing instrument and who _____

acknowledged to me that he executed said instrument freely and voluntarily for the purposes and for the reasons stated, in behalf of _____

and _____

BY TESTIMONY WHEREOF I have signed my hand and seal on the day and year first above written.

Bond Title
Bert, dk

Vol 225
Pg 185

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OCT 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

NWSE
26-16 11

7536

Vol 225 PAGE 185

Unless a change is requested, all tax statements shall be sent to Grantee at the following address:

WARRANTY DEED

TOWNER M. MENEFE and ELIZABETH C. MENEFE, husband and wife, Grantor, convey and warrant to PETER H. KOEHLER and ALICE KOEHLER, husband and wife, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Twenty-six (26), Township Sixteen (16) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon. EXCEPT the following described tract of land: Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of said Section, Township and Range and running thence North 0° 5' 24" West 470.9 feet along the East line; thence South 79° 40' 28" East 481.87 feet; thence South 67° 15' 26" West 494.35 feet; thence South 70° 10' 57" West 253.66 feet; thence South 11° 31' West 180.07 feet to a point on the South line 200 feet easterly from the Southwest corner; thence South 89° 54' 11" East 1122.25 feet to the point of beginning.

TOGETHER WITH 29.2 acres water right in the Tumalo Irrigation District.

SUBJECT TO:

1. Taxes deferred under Exception #2 below.
2. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. The existence of roads, irrigation ditches and canals, telephone, telegraph and power transmission facilities.
4. Rules, regulations and assessments of Tumalo Irrigation District.

Warranty Deed

Page 1

BFND TITLE COMPANY
1980 BOND SMO OREGON 87701

RECEIVED

OCT 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

29745
in 205-100

5. Easement for Deschutes County Municipal Improvement District Causal as shown on the Deschutes County Tax lot map.

6. Conditions, including the terms and provisions thereof, in Deed from Towner M. Menefee and Elizabeth C. Menefee, husband and wife, to Peter H. Koehler and Alice Koehler, husband and wife, dated June 1, 1965, recorded June 23, 1965 in Volume 144 page 169 Deed records that Grantees, their successors and assigns, shall pay for a share of the maintenance of such road based upon proportionate user thereof.

7. Mortgage, including the terms and provisions thereof, executed by Towner M. Menefee and Elizabeth C. Menefee, husband and wife, to The Connecticut Mutual Life Insurance Company, a corporation, dated April 5, 1966, recorded April 18, 1966, in Volume 147 page 93 Mortgage records, given to secure payment of a note for \$25,500.00, which Mortgage and the debt secured by said Mortgage will be paid and satisfied in full by Grantor on or before January 20, 1976.

The true consideration for this conveyance is \$14,500.00.

DATED this 7th day of November, 1975.

Towner M. Menefee
TOWNER M. MENEFEE

Elizabeth C. Menefee
ELIZABETH C. MENEFEE

STATE OF OREGON, County of Deschutes, ss: November 7, 1975.

Personally appeared the above named TOWNER M. MENEFEE and ELIZABETH C. MENEFEE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Monte Wuch
NOTARY PUBLIC FOR OREGON
My Commission expires: 8/1/76

TUMALO IRRIGATION DISTRICT

64697 COOK AVE.
BEND, OREGON 97701
Phone 382-3053

RECEIVED

AUG 1 - 1979

**WATER RESOURCES DEPT
SALEM, OREGON**

July 27, 1979

Mr. Wayne Overcash
Water Resources Department
555 13th Street N. E.
Salem, Oregon 97310

Dear Mr. Overcash:

We would like to request at this time that all of the pending applications being held for the Tumalo Irrigation District be held until September 10, 1979, or until such time as we can provide the additional required documents for completion prior to that date. We have received recent letters from your office stating that two of the applications being held would be closed unless responses were received soon.

We are experiencing a critical period in personnel function and although we are scheduled to have additional office and administrative assistance on Board by September, this does not relieve the paperwork required to complete the backlog of transfer applications due to the degree of training necessary for preparation. If you could bear with us for this next month and a half, I am devoting from August 15 through September 10 entirely to transfer work and hope to clear up all pending applications submitted by that time. Mrs. Brown has not been with us since June 15. You may address all future correspondence to my attention.

Following is a summation, from our records, of the status of pending transfer applications:

#3307 Jack Vogt to Terrill, Hoisington, Larson

In process of voiding pending amended application of #3954.

#3954 Wall Investment Co.

Amended application to be processed (in process).

#3872 Marian Allen Cook to Various

Signature required from ex-husband, Lawrence Allen, of Texas; cooperation not forthcoming at this time. Sale is pending on property in our District which he owns and we have requested his signature to clear the water rights before we will affirm water rights with the title company or approve a county partition for division of the land. As his sale is pending in September, we hope to have this resolved at that time. All work is complete and his signature only is necessary to forward these documents to you.

August 27, 1979

#2666 Martin Winch

Mr. Winch is in the process of completing the required paperwork. He has been in contact with our office and appears to be ready to forward completion documents to you.

#4051 Koehler/Hayes

Ownership documents to be researched and submitted. possibility of amendment of a previous transfer to correct legal description.

#4121 Garside/Mills/Martin

Correction of maps and confirmation of ownership documents; it now appears there may have been another owner at the time of transfer request.

#4124 Willock/McGuire

Copy of deed needed; have been unable to obtain deed through owner or title company, may require search of county records.

#4136 Johnson/Taylor

Release statement from legal owners; copy of deed of ownership. Investigate interest by George Webb in this property.

#4174 Knowles/Rivers

Need statement from Mr. and Mrs. Mastrud advising they release their interest, as legal owners (formerly signed statement as mortgage holders, but title cleared).

#4181 Kohler/Stafford/Bricken

Require statement from Ray Benzel of being agreeable to change in water rights; requires current ownership document.

#4194 R. Coats to R. Coats

Sent statement from District Manager 7/13/79 that prior transfer #2559 effecting current transfer #4194 had been irrigated in 1972.

#4204 Suffridge, et al

Priority rights to be reviewed and remapped.

#4235 Vogt/R. Olson

Need deed from Jack Vogt.

#4237 Vogt/Horseshoe Acres

Map proportions not correct. Maps did not take into account all prior transfers. Priorities to be reviewed and remapped.

#4222 Gungura/Davis, M. & G.

Research priority rights and remap.

Mr. Wayne Overcash
Page 3
August 27, 1979

Additional transfers received for processing, not submitted:

R. Thomson to W. Moore

D. Harris to B. Hoover

McNeil to Turner

Vogt/Schlicting

Boone & Stevens to Hitt & Flory

Yancy to McIntosh

Vogt to Hurlburt

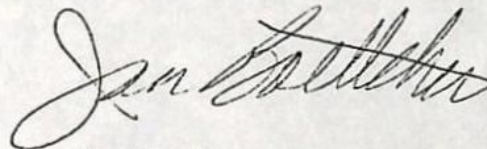
Oliver and Mary Fraser

Hopefully, the bulk of the above new transfers will also be able to be processed during the period of concentrated effort.

Thank you for your cooperation.

Sincerely,

TUMALO IRRIGATION DISTRICT

A handwritten signature in cursive script, appearing to read "Jan Boettcher", written in dark ink.

Jan Boettcher
Office Manager

P.S. If there are any other pending applications not listed, would appreciate your response regarding them.