

Name Harper B. Brown
By So. Humala Irrig. Dist.
Address 64697 Cook Ave.
Bend, Or. 97701

4143

DESCRIPTION OF WATER RIGHT

Change in POU
Date filed Jan 24, 1979
Date of hearing _____
Place of hearing _____
Date of order 2-27-79 Vol. 31, page 670
Date for application of water 10-1-80
Proof mailed Not necessary - Found
Proof received correct acreage & location
Certificate issued _____ Vol. _____, page _____

Name of stream Tumalo Creek, et al
Trib. of _____ County of Deschutes
Use _____
Quantity of water _____ No. of acres 5.18
Name of ditch _____
Date of priority Oct 29, 1913
In name of Tumalo Irrig. Dist.
_____ Adjudication, Vol. _____, page _____
App. No. 3263 Per. No. 19628 Cert. No. 26050
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>1-24-79</u>	<u>30-</u>	<u>8740</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

— finis —

Surveyed 4/10/86

Suppl. Cert #26051
" " #31412
" Per. # 27841

W.R.I.S.

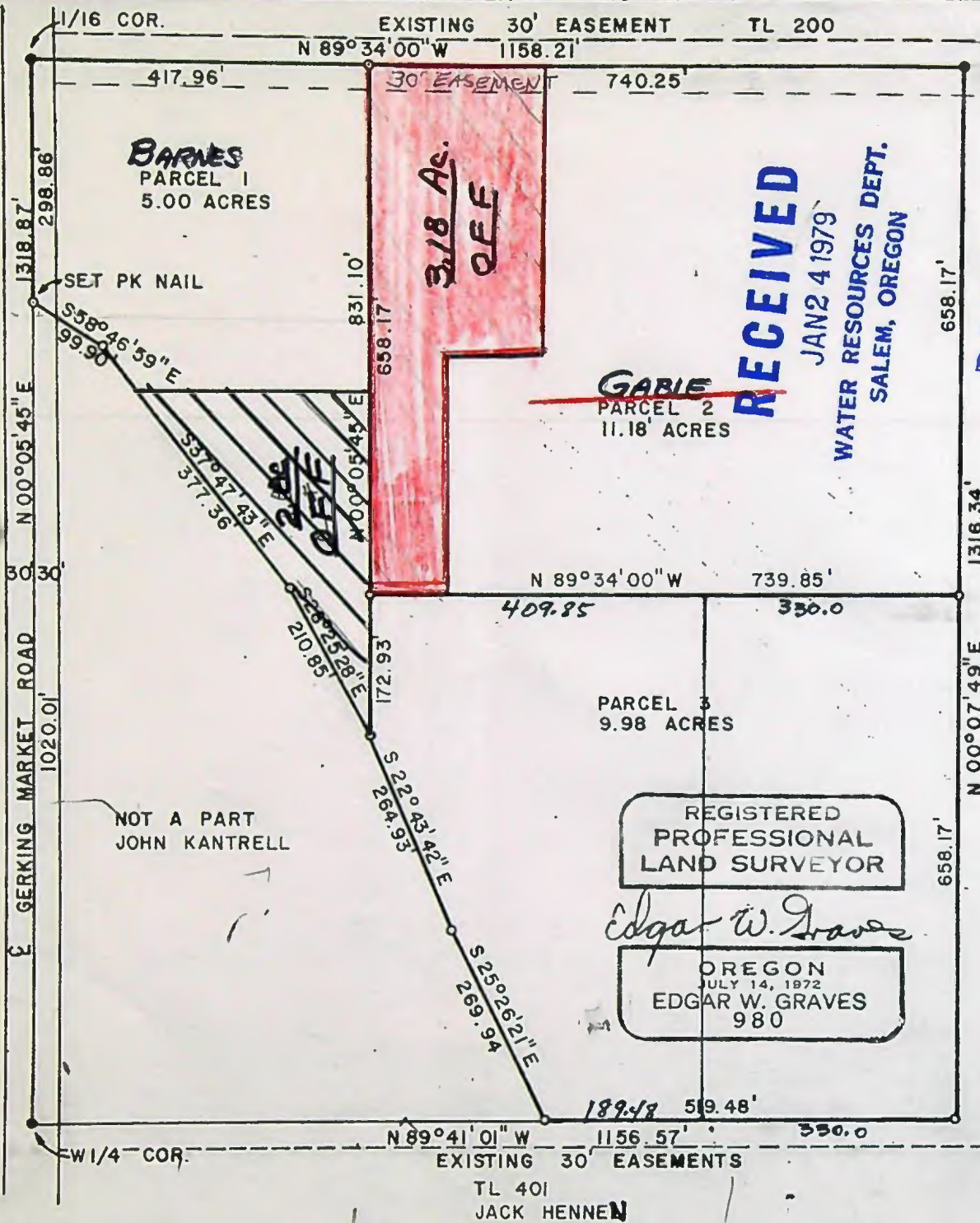
Assembled 7-18-85 by hysop

Entered _____ by _____

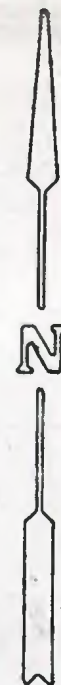
Verified _____ by _____

	INDEX CARDS:	
	Entered	Checked
Name	<u>hys</u>	<u>hys</u>
Stream	<u>hys</u>	<u>hys</u>
Pt. of Div.	<u>hys</u>	<u>hys</u>
Calendar	<u>hys</u>	<u>hys</u>
CHECKED BY: <u>hys</u>		
Typ. & Exp.	<u>hys</u>	<u>hys</u>
Declarant	<u>hys</u>	<u>hys</u>
Declarant	<u>hys</u>	<u>hys</u>
Cert. of Div.	<u>hys</u>	<u>hys</u>
Per. Filing	<u>hys</u>	<u>hys</u>
Challenger	<u>hys</u>	<u>hys</u>
Cross Ref.	<u>hys</u>	<u>hys</u>
Power Claim	<u>hys</u>	<u>hys</u>
Abstracts	<u>hys</u>	<u>hys</u>

T-4143



RECEIVED
FEB 13 1979
WATER RESOURCES DEPT.
SALEM, OREGON



• = FOUND MONUMENTS
○ = SET 1/2" IRON ROD

BASES OF BEARING FROM
SECTIONAL BREAKDOWN
BY RICHARD GRAUE
FILED IN COUNTY
SURVEYORS OFFICE.

SCALE 1"=200'

MINOR LAND PARTITION

MP- 78 - 146 DATE 6/16/78

TWSHP 16 RNGE 12 SEC 30 1/4 SEC NW

DEED OWNER HARPER BROWN
65161 HIGHLAND ROAD

PARTITIONER BEND, OREGON 97701

SURVEYOR GRAVES LAND SURVEYING
ENGINEER 63649 W. HWY 20, BEND, OR

SEWAGE DISPOSAL
SEPTIC TANK ☒
CITY SEWER ☐
COMMUNITY SEWER ☐

ZONE A-1

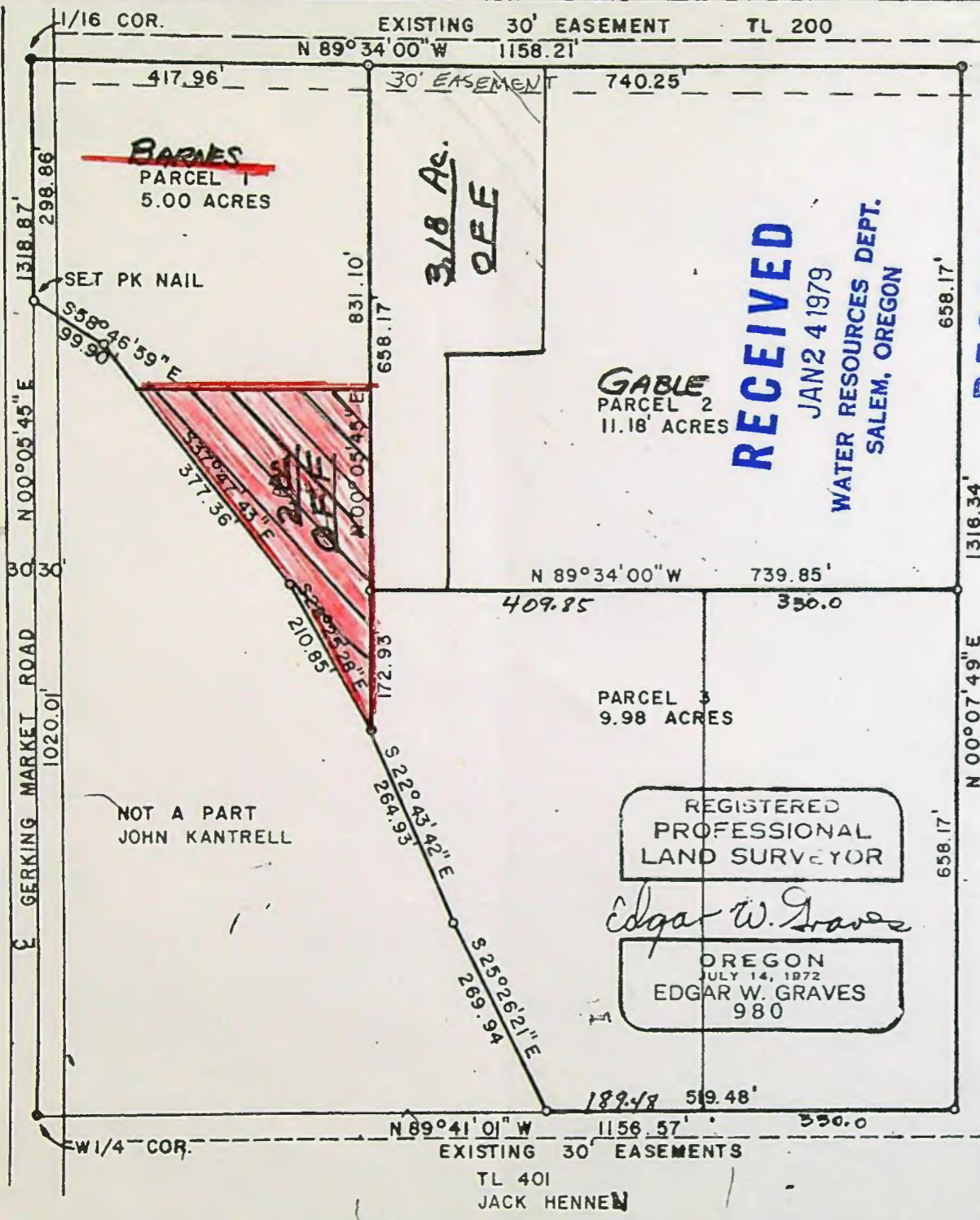
WATER SOURCE
WELL ☒
CISTERN ☒
COMMUNITY WATER ☐
P. U. W. SYSTEM ☐

TAX LOT NUMBER
300

DESCHUTES COUNTY
PLANNING DEPARTMENT

Approvals:	DATE
County Commissioner	
County Commissioner	
County Commissioner	
County Planning Director	
County Sanitarian	

T-4143



RECEIVED

JAN 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FEB 13 1979
WATER RESOURCES DEPT.
SALEM, OREGON

MINOR LAND PARTITION

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ZONE A-1

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WELL ☒
CISTERN ☒
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P. U. W. SYSTEM ☐

TAX LOT NUMBER
300



DESCHUTES COUNTY
PLANNING DEPARTMENT

Approvals:	DATE
County Commissioner	_____
County Commissioner	_____
County Commissioner	_____
County Planning Director	_____
County Sanitarian	_____

BASES OF BEARING FROM
SECTIONAL BREAKDOWN
BY RICHARD GRAUE
FILED IN COUNTY
SURVEYORS OFFICE.

SCALE 1"=200'

RECEIVED

FEB 13 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, HARPER B. BROWN / Tumalo Irrigation ^{Bend, OR 97701}
(Name of applicant)
of 65161 HIGHLAND ROAD, BEND,
(Mailing address) 382-3053 (City)
State of OREGON, 97701, 382-4852, do hereby make application for change
(Zip Code) (Phone number)
In place of use
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? YES
(If not, give name)

2. Was your water right determined by Decree of Court? YES No If so, give title of proceedings
(Yes or No)

Tumalo Creek Adjudication number of certificate 26050 primary

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)

of permit 19628 (primary) Number of certificate 31412 supp. 26050 primary
26050 perm. 26051 suppl.
31412 suppl.
also permit No 27841 suppl.

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Tumalo Creek, Crater Creek, Little Cr. Creek, Three
springs & Deschutes River

5. What is the date of priority of your water right? Oct. 29, 1913

6. The authorized point of diversion is located 500 ft. N and 400 ft. E from the SW
(N. or S.) (E. or W.)
corner of SW 1/4 cor. being within the SW 1/4 NW 1/4 of Section 30 Tp. 16S R. 12E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of DESCHUTES. The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

8. The use to which the water is applied is

IRRIGATION

(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
16S	12 EWM	30	Lot 2 (SW 1/4 NW 1/4) NE 1/4 NW 1/4	5.18 5.18

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES

(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No

(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is

IRRIGATION

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
16	12	30	NE 1/4 NW 1/4	5.18 Harper Brown

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are TO PROVIDE EVEN DISTRIBUTION OF
WATER TO TOTAL FARM OPERATION PROVIDING MORE BENEFICIAL
USE.

15. Construction work will be completed on or before NONE REQUIRED

16. The water will be completely applied to the proposed use on or before 1978 SEASON

Remarks WATER PRESENTLY DELIVERED TO A POND LOCATED
IN THE SW 1/4 OF THE NW 1/4 SEC 30. UPON COMPLETION
OF TRANSFER THE WATER WILL BE DELIVERED TO A POND
LOCATED IN THE NE 1/4 OF THE NW 1/4 SEC 30 - (BOTH DELIVERED
FROM SAME DITCH BUT AT DIFFERENT POINTS IN THE DITCH)
BOTH PARCELS BELONG TO APPLICANT

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE
BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF
USE, AS THE CASE MAY BE.

Date of Board Approval: 12/12/78

AFFIDAVIT OF APPLICANT

I, HARPER B. BROWN, 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 12 day of Dec, 1978

X Harper Brown
(Name of applicant)

Subscribed and sworn to before me this 12 day of Dec, 1978

[Notarial Seal]

Morgan H. Elliott
NOTARY PUBLIC FOR OREGON

My commission expires March 28, 1981

: POD
POU
USE
Add '1 POD

Transfer NO. 4143

County Deschutes

Old Certificate NO. 26050 65995 93d St, Bernal

- [illegible]

Info: Harper Brown

Pump: 25 hp Westinghouse 2940 RPM Gould cut 5"x4"

Hds: 2 - $\frac{1}{4}$ mi wheel lines $\frac{5}{32}$ " RB's. 6" MC running
N-S between fields.

Crop: grass (pasture) - was alfalfa

Remarks: He has been irrigating this property
since 1975. Only part not watered is fenced off
road along north & part of east sides.

See also TR 4857

Tb. 279-162R

April 10, 1986

Boris Owen

WRE

T-4143

JAN 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

FEB 13 1979

WATER RESOURCES DEPT.
SALEM, OREGON

TU MADE

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HIGHWAY

DESCRUTES

21

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بسم الله الرحمن الرحيم

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11

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

U# 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. T000041431 PERMIT NO. 019628 CERTIF. NO. 0026050
 ORIG. NO. A000032631 PREV. NO. A000032631 SUPER. NO.

NAME: HARPER B. BROWN

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--> 03 22 1979

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 29 1913

PUT TO USE-----> 03 22 1979

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> 01 24 1979

SURVEYED----->

EXAM.FEE----->

RECORDING FEE----->

PERMIT ISSUE--> 02 27 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> 02 27 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

STATUS

S OR P

0.104

V
V
V
V
V
V

P

*** 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 % CHSMTV ACRES STATUS S OR P
 160S 120E 30 B A 09 IR 100 5.18 V P

W.R.I.S.

Approved: 7-18-85 L. SRA

Entered: -----

Verified: ----- by -----

0.020

DESCHUTES RIVER

U: 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 *41432* PERMIT NO. 009493 CERTIF. NO. 0031412
 ORIG. NO. C000313121 PREV. NO. C000314121 SUPER. NO.

NAME: *HARPER B. BROWN*

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--> *03 22 1979*

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1905

PUT TO USE-----> *03 22 1979*

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION---> *01 24 1979*

SURVEYED----->

EXAM.FEE----->

20.00

RECORDING FEE----->

10.00

PERMIT ISSUE--> *02 27 1979*

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> *02 27 1979*

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

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

RIV.MI. RATE

0.008

STATUS S OR P
 V S

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

** SUPP. IR. CHANGES POU PART OF TUMALO

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

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

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

1605 1205 30 B A 09 IR 100 5.18

V S

**-----
 **-----
 **-----
 **-----

W.R.I.S.

Approved *4-18-85* by *SEA*

Entered *5/*

Verified *by*

2.0015

CRESCENT LAKE RES

IIF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***PAGE 1
RUN ON: 3/20/81 AT: 9:08WATER RIGHT NO. T0000 *41433* PERMIT NO. 000624 CERTIF. NO. 0026501
ORIG. NO. A000013431 PREV. NO. A00013431 SUPER. NO.NAME: *HARPER B. BROWN*

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--> *03 22 1979* YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 04 07 1911

PUT TO USE-----> *03 22 1979* LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> *01 27 1979*

SURVEYED----->

EXAM. FEE----->

20.00

RECORDING FEE----->

*10.00*PERMIT ISSUE--> *02 27 1979*

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> *02 27 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

160S 120E 30 BA 09 IR 100 5.18

V

S

**-----
**-----
**-----
**-----

W.R.I.S.

Approved *7-18-85* by *SWA*Entered *8/1*Verified *by*

RECEIVED
MAR 22 1979
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Tumalo Creek, et al

PURSUANT TO TRANSFER APPLICATION NO. 4143

I, HARPER BROWN, 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 MARCH 1, 1979

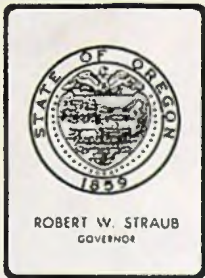
3-20-79

Date

Harper Brown
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Lij



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

March 1, 1979

Harper Brown
c/o Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

RE: File No. T-4143

Dear Mr. Brown:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4143 for a change in place of use of water from Tumalo Creek, et al.

The time in which to accomplish completion of the works and beneficial use of water to the extent intended, as authorized by the order, expires October 1, 1980. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Robert F. Main, Jr., Watermaster

RECEIVED

JAN 24 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

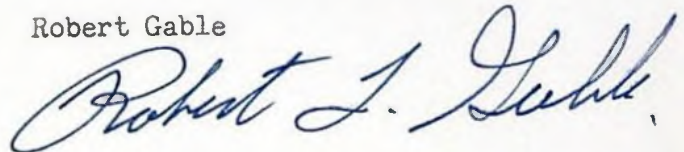
January 11, 1979

Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

Gentlemen:

In regards to Harper Brown's application to transfer three and eighteen one-hundredths (3.18) acres of water from parcel No. 2 of the attached plat map, I do hereby acknowledge that I am aware of this transfer and approve its removal from the land which I am buying per the attached contract.

Robert Gable

A handwritten signature in blue ink, reading "Robert L. Gable", with a stylized flourish at the end.

Until a change is requested, all tax statements shall be sent to Purchaser at the following address: 3101 Crown

Willam Bend OR 97701

1831

RECEIVED

JAN 24 1979

PAGE 48

MEMORANDUM OF LAND SALE CONTRACT
WATER RESOURCES DEPT.
SALEM, OREGON

THIS MEMORANDUM is to give notice of the following described land sale contract between HARPER B. BROWN and FRANCES L. BROWN, husband and wife, as Seller, and ROBERT L. GABLE and BARBARA J. GABLE, husband and wife, as Purchaser, dated July 13th, 1978, concerning the following described property:

A parcel of land located in the Southwest one-quarter Northwest one-quarter (SW1/4NW1/4) Section Thirty (30), TOWNSHIP SIXTEEN (16) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon. Being more particularly described as follows: Beginning at the West 1/4 corner to Section 30, TOWNSHIP 16 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon. Thence South 89° 41' 01" East, 1156.57 feet, along the East-West Mid-Section line of said Section 30; Thence North 00° 07' 49" East, 658.17 feet to the true point of Beginning of this description. Thence North 89° 34' 00" West, 739.85 feet; Thence North 00° 05' 45" East, 658.17 feet; Thence South 89° 34' 00" East, 740.25 feet; Thence South 00° 07' 49" West, 658.17 feet to the true point of beginning.

Subject to a 30 foot easement along the North Line. TOGETHER with 8 acres of Tumalo Irrigation water.

SUBJECT TO:

- 1) As disclosed by the tax roll, the premises herein 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 and interest thereon.
- 2) Rules, regulations, assessments and liens of the Tumalo Irrigation District.
- 3) Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines.

for the sum of \$36,894.00.

-1-

GRAY, FANCHER, HOLMES & HURLEY

ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

DESCHUTES COUNTY TITLE CO.

P. O. BOX 323
BEND, OREGON 97701

DATED this 13th day of July, 1978.

VOL 278 PAGE 486

SELLER:

Harper B. Brown

HARPER B. BROWN

Frances L. Brown

FRANCES L. BROWN

PURCHASER:

Robert L. Gable

ROBERT L. GABLE

Barbara J. Gable

BARBARA J. GABLE

STATE OF OREGON, County of Deschutes, ss:

Personally appeared the above named HARPER B. BROWN and FRANCES L. BROWN and acknowledged the foregoing instrument to be their voluntary act. Before me:

Kimberly D. Haggard

Notary Public for Oregon

My Commission Expires 5/22/81

STATE OF OREGON, County of Deschutes, ss:

Personally appeared the above named ROBERT L. GABLE and BARBARA J. GABLE and acknowledged the foregoing instrument to be their voluntary act. Before me:

Charles M. McKenna

Notary Public for Oregon

My Commission Expires 5/17/82

RECEIVED

JAN 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

1814 INDEX

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record

the 19 day of July A.D. 1978

at 4:23 o'clock 1 M., and recorded

in Book 278 on Page 485 Records

of Linda

ROSEMARY PATTERSON
County Clerk

By Janice Sullivan Deputy


RECEIVED
JAN 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON

January 11, 1979

Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

Gentlemen:

In regards to Harper Brown's application to transfer two (2) acres of water from parcel No. 1 of the attached plat map, I do hereby acknowledge that I am aware of this transfer and approve its removal from the land which I am buying per the attached contract.


Edward Barnes

RECEIVED

CONTRACT OF SALE

JAN 24 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

THIS AGREEMENT Made this 11th day of November 1978,
BETWEEN: HARPER B. BROWN and FRANCES L. BROWN, husband and wife,
hereinafter called Seller,
AND: G. EDWARD BARNES and H. MARDEEN BARNES, husband and wife,
hereinafter called Purchaser:

W I T N E S S E T H:

Seller agrees to sell to Purchaser and Purchaser agrees to purchase that certain land, and all improvements thereon, situated in Deschutes County, State of Oregon, described as follows:

Being a portion of the Southwest one-quarter Northwest one-quarter (SW1/4NW1/4) Section Thirty (30) Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows: Beginning at the West 1/4 corner to Section 30, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Thence North 00° 05' 45" East, 1020.01 feet, along the West line of said Section 30, to the true point of beginning of this description. Thence continuing North 00° 05' 45" East, 298.86 feet to the North 1/16 corner between Section 30 and Section 25; thence South 89° 34' 00" East, 417.96 feet; thence South 00° 05' 45" West, 831.10 feet to the centerline of a Tumalo Irrigation Company Ditch; thence along the centerline of said ditch North 28° 25' 28" West, 210.85 feet; thence North 37° 47' 43" West, 377.36 feet; thence North 58° 46' 59" West, 99.90 feet to the true point of beginning.

SUBJECT to a 30 foot easement along the North line and Subject to a 30 foot easement along the West line for existing Gerking Market Road.

TOGETHER with three (3) acres of irrigation water through the Tumalo Irrigation System.

PURCHASE PRICE AND TERMS: The purchase price for the property which purchaser agrees to pay shall be the sum of

GRAY, FANCHER, HOLMES & HURLEY

ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

SUCCESSOR INTERESTS: The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties hereto.

LITIGATION FEES AND EXPENSES: In the event suit or action is instituted to enforce any of the terms or conditions of this agreement, the losing party shall pay to the prevailing party, in addition to the costs and disbursements allowed by statute, such sum as the court may adjudge reasonable as attorney fees in such suit or action, in both trial court and appellate courts.

IN WITNESS WHEREOF The parties hereto have hereunto set their hands the day and year first above written.

Harper B. Brown
HARPER B. BROWN

G. Edward Barnes
G. EDWARD BARNES

Frances L. Brown
FRANCES L. BROWN

H. Mardeen Barnes
H. MARDEEN BARNES

STATE OF OREGON, County of Deschutes, ss: ^{November}~~August~~ 17, 1978.

Personally appeared the above named HARPER B. BROWN and FRANCES L. BROWN acknowledged the foregoing instrument to be their voluntary act.

Before me:

Kathleen A. Hargrave
Notary Public for Oregon
My Commission Expires: 5/22/81

RECEIVED
JAN 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON, County of Deschutes, ss: ^{November}~~August~~ 17, 1978.

Personally appeared the above named G. EDWARD BARNES and H. MARDEEN BARNES and acknowledged the foregoing instrument to be th voluntary act.

Before me:

Kathleen A. Hargrave
Notary Public for Oregon
My Commission Expires: 5-22-81

GRAY, FANCHER, HOLMES & HURLEY

ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

86377-E

VOL 100 PAGE 0070

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 424 S.E. Mustang Place, Bend, Oregon 97701.

16130

MEMORANDUM OF LAND SALE CONTRACT

THIS MEMORANDUM is to give notice of the following described land sale contract between HARPER B. BROWN and FRANCES L. BROWN, as Seller, and G. EDWARD BARNES and H. MARDEEN BARNES, as Purchaser, dated November 17, 1978 concerning the following described property situate in Deschutes County, Oregon:

Being a portion of the Southwest one-quarter North-west one-quarter (SW1/4NW1/4) Section Thirty (30) Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows: Beginning at the West 1/4 corner to Section 30, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Thence North 00° 05' 45" East, 1020.01 feet, along the West line of said Section 30, to the true point of beginning of this description. Thence continuing North 00° 05' 45" East, 298.86 feet to the North 1/16 corner between Section 30 and Section 25; thence South 89° 34' 00" East, 417.96 feet; thence South 00° 05' 45" West, 831.10 feet to the centerline of a Tumalo Irrigation Company Ditch; thence along the centerline of said ditch North 28° 25' 28" West, 210.85 feet; thence North 37° 47' 43" West, 377.36 feet; thence North 58° 46' 59" West, 99.90 feet to the true point of beginning.

SUBJECT to a 30 foot easement along the North line and Subject to a 30 foot easement along the West line for existing Gerking Market Road.

for the sum of \$15,000.00.

DATED This 17th day of November 1978.

SELLERS:

Harper B. Brown
HARPER B. BROWN

Frances L. Brown
FRANCES L. BROWN

PURCHASER:

G. Edward Barnes
G. EDWARD BARNES

H. Mardeen Barnes
H. MARDEEN BARNES

State of Oregon, County of Deschutes) ss.

Personally appeared the above named HARPER B. BROWN and FRANCES L. BROWN and acknowledged the foregoing instrument to be their voluntary act.

Before me:

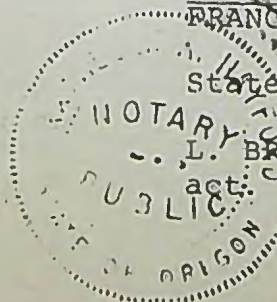
November 17, 1978.

Kathleen A. Hammond
GRAY, FANCHER, HOLMES & HURLEY Notary Public for Oregon

ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

My Commission Expires: 5/22/81

RECEIVED
JAN 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON



March 23, 1979

Harper Brown
c/o Tumalo Irrigation District
64697 Cook Avenue
Bend, OR 97701

RE: File No. T-4143

Dear Mr. Brown:

The notice of completion of works and use of water under the provisions of the order of the Water Resources Director approving water right transfer application No. 4143, for a change in place of use of water from Tumalo Creek, et al, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (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,

Wayne J. Overcash
Water Rights Engineer

WJO:jfv
cc: Robert F. Main, Watermaster, District 11



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

RECEIVED
FEB 13 1979
WATER RESOURCES DEPT.
SALEM, OREGON
PHONE 378-3066

January 31, 1979

Jeannine Brown
Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

RE: File No. T-4143

Dear Ms. Brown:

The water right transfer application in the name of Harper B. Brown for approval of a change in place of use of water within Tumalo Irrigation District, together with supporting data and fees of \$30, was received on January 24, 1979. Our receipt No. 8740 is enclosed.

Please review the proposed place of use. According to the location of the existing right in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T 16S, R 12E, W.M., as shown on the related adjudication map, it appears that there is only an area of not more than 3.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30 not covered by an existing right. If so, and it is only intended to transfer the right to said SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, there would not be space available for the 5.18 acres of water right as proposed by the application.

The areas to be divested of rights as illustrated on the supporting maps should also be reviewed. If the acreage figures noted are correct, the areas shaded should be enlarged to be in agreement.

I am returning the transfer application and the three supporting maps for completion. Please refer any correspondence to file No. T-4143.

I am also enclosing the information on the certificates involved in Tumalo Irrigation District, prints of our plat cards of Sections 12, 25, 26 and 27, and prints of maps showing lands where the rights were removed by approval of transfers Nos. 2924, 2501, 2499 and 2987.

Sincerely,

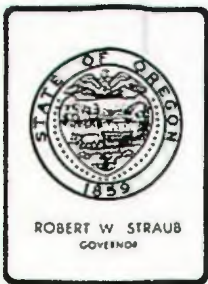
Wayne J. Overcash
Wayne J. Overcash
Water Rights Engineer

5.18
3.7
1.48

WJO:lcj

2/9/79
Please note -
I will put extra acres
on to the North NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.48 AC -

Thanks Jeannine Brown



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 31, 1979

Jeannine Brown
Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

RE: File No. T-4143

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Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

TUMALO IRRIGATION DISTRICT

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

1/23/79

Water Resources Dept
Mill Creek Office Park
555 13TH NE
Salem, OR 97310

RECEIVED

JAN 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Overcash,

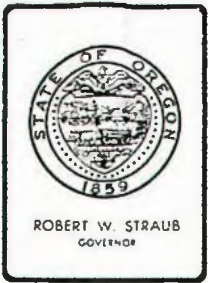
In regards to transfer ~~to~~ for Harper Brown
I wonder if you would be able to clear up #2 &
3 for me -

Would it be possible to give me some information
as to the Cert. #'s involved in Tumalo Irr. Dist.
and whether they adjudicated that water or permits
were issued.

I have the numbers & where the water came from
but it is confusing for me to know if they should be
under the #2 Decree of Court - or #3 water right permit.

Thank you.

J. Brown



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 28, 1978

Harper B. Brown
c/o Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

Dear Mr. Brown:

Your water right transfer application for approval of a change in place of use of water for irrigation of 5.18 acres within Tumalo Irrigation District was not accompanied by the fees of \$30; therefore, it could not be filed.

According to our records, part of the acreage at the proposed place of use is covered by existing water rights. I am enclosing a print of a portion of the map prepared during the Deschutes River adjudication proceeding which shows the location of the 26.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T 16S, R 12E, W.M., covered by the existing water rights.

We will need copies of the deeds showing current ownership of the lands from which the water rights are to be transferred. Incidentally, the legal description contained in the copy of the letter to the escrow department only describes the parcel No. 1 shown on one of the maps submitted.

The date the Board of Directors of Tumalo Irrigation District approved the change may be noted in the application, or on a separate sheet.

If you agree with the penciled entries and corrections on the application, they should be redone in ink or typed.

I am returning the application and two supporting maps along with the copy of the letter to the escrow department.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 28, 1978

Harper B. Brown
c/o Tumalo Irrigation District
64697 Cook Avenue
Bend, Oregon 97701

RECEIVED
JAN 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON

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Water Rights Engineer

WJO:1cj