

001 Brown TID

Name Harper Brown
By Tumalo Irrigation Dist.
Address 64697 Cook Ave.
Bend, OR 97701

4054

DESCRIPTION OF WATER RIGHT

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

FEES PAID

Date	Amount	Receipt No.
<u>9-19-78</u>	<u>30-</u>	<u>6211</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 12-22-78 Vol. 31, page 528
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

*Surveyed
2-79*

*Cert No. 26051
" " 31412 } Supplemental
Permit " 27841*

Surveyed 4/10/86 (Bird)

REMARKS

W.R.I.S.	
Assembled <u>4-4-85</u> by <u>SGL</u>	
Entered _____ by _____	
Verified _____ by _____	

	INDEX CARDS:	
	Entered	Checked
TO BE ENTERED WHERE CHECKED		
<input checked="" type="checkbox"/> Name	<u>lg</u>	___
<input checked="" type="checkbox"/> Stream	<u>lg</u>	___
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	___
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	___
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lg</u>	___
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	___
<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	___
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Per. Folder	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Chaindex	___	___
<input checked="" type="checkbox"/> Cross Ref.	___	___
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	___
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	___

537

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
HARPER BROWN (TUMALO IRRIGATION)
DISTRICT) FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4054

On September 19, 1978, an application was filed in the office of the Water Resources Director by Harper Brown 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.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, describes a right to the use of not to exceed 136.0 cubic feet per second of water from Tumalo Creek, supplemented by the use of not to exceed 40.0 cubic feet per second from Crater Creek; not to exceed 34.0 cubic feet per second from Little Crater Creek; and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, a certain 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 16 South, Range 12 East, W.M., with a date of priority of October 29, 1913.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, for the use of water from Deschutes River, with a date of priority of 1905; certificate 26051, Volume 18, for the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and by permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a date of priority 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 $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 16 South, Range 12 East, W.M. (Floyd Bird).

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 December 12, 1978.

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.

V311P528

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, 1980.

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 22nd day of December, 1978.

James E. Sexson^{clerk}
Director

By *Robert L. Wheeler*
Deputy

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DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

T-4054
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SEP 19 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harper Brown / Tumalo Irrigation Dist.
(Name of applicant)
of 64697 Cook Ave., Bend,
(Mailing address) (City)
State of Oregon, 97701, 382-3053, 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? No If so, give title of proceedings
(Yes or No)
Please see remarks last pg. number of certificate
3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
(see last pg.) of permit Number of certificate

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 please see remarks last pg.
5. What is the date of priority of your water right? "
6. The authorized point of diversion is located ft. and ft. from the corner of
(N. or S.) (E. or W.)
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 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 corner of
(N. or S.) (E. or W.)
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:

KFrom

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
16S	12E	30	NW¼NW¼	1.0 H. BROWN

(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, 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	transferred to List ¼-¼ of Section	Number Acres To Be Irrigated
16S	12E	30	NW¼NW¼	1.0 F. Bird

(If more space required, attach separate sheet)

T-4054

SEC. 30

TWP

165

RANGE 12E

Harper Brown

~~Henry Pruett;~~

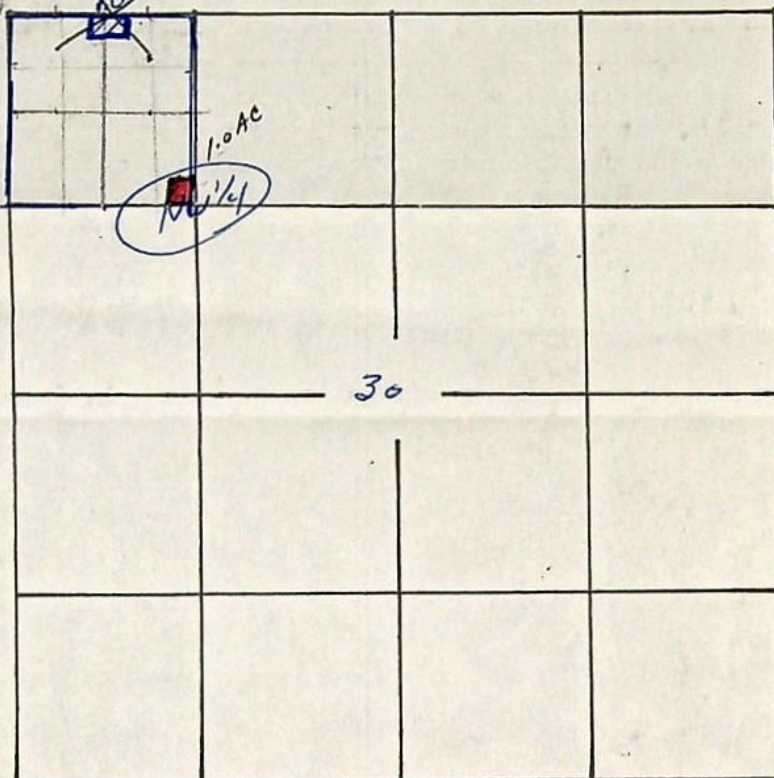
permit #

Primary; Cert. # 26050 & ~~26051~~ 19628
31.9 Ac. Book 2 Bg. 248 Oct. 29,
1913

Supp. Cert. # 26051 Apr. 7, 1911

Permit # 10624

Supp. Cert. # 31412 1905



TRANSFERRED FROM: NW 1/4 of NW 1/4 SEC. 30 TWP. 165 R. 12E

TRANSFERRED TO:

SEC.

TWP.

R.

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DEC 10 1978

WATER RESOURCES DEPT.
SALEM, OREGON

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SEP 19 1978

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SEP 19 1978
WATER RESOURCES DEPT.
SALEM, OREGON

attached sheet; Harper Brown / Tumalo Irrigation Dist.

Supp. Cert. # 26050 Permit # 19628

Supp. Cert. # 26051 Water of Crescent Lake Reservoir; Apr. 7, 1911 Permit # 624

Supp. Cert. 31412 Prior 1905 Water of Deschutes River

T-4054

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DEC 15 1978
WATER RESOURCES DEPT.
SALEM, OREGON

14. Reasons for the proposed changes are

That his water will be made ^{more} ~~more~~ beneficial

15. Construction work will be completed on or before none needed

16. The water will be completely applied to the proposed use on or before on state approval

Remarks #2
....., 3, 4, & 5

Primary; Cert. # 26050 31.9 NW¹/₄ NW¹/₄ 16S12E Sec. 30 waters of Tumalo Creek,

little Crater Cr. and Three Springs Branches; Oct. 29, 1913

Permit none (Book 2 pg. 248)

Supp. please see attached sheet; document prepared by Jeanine Brown

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.

Board approval date - 12/12/78 JCB

AFFIDAVIT OF APPLICANT

I, Harper 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 Sept, 1978

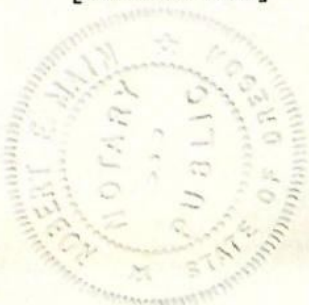
Harper Brown
(Name of applicant)

Subscribed and sworn to before me this 12th day of Sept., 1978

[Notarial Seal]

Robert E. Mann
NOTARY PUBLIC FOR OREGON

My commission expires 8/4/79



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

WFS 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 4054/ PERMIT NO. 019628 CERTIF. NO. 0026050

NAME: HARPER BROWN

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--> 02 02 1979

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 29 1913

PUT TO USE-----> 02 02 1979

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> 09 19 1978

SURVEYED----->

EXAM.FEE----->

RECORDING FEE----->

PERMIT ISSUE--> 12 22 1978

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> 12 22 1978

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
 D B
 D D

RIV.MI.

RATE

STATUS S OR P

V
 V
 V
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P

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

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

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

** 27841, - - - - -

** - - - - -

** - - - - -

** - - - - -

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180S 090E 02 B D
 PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

160S 120E 30 B B 09 IR 100 1.00

STATUS

S OR P

V

P

V.R.I.S.

Assembled 4-4-85 by SDP

Entered by SDP

Verified by SDP

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. T0000 40542 PERMIT NO. 009493 CERTIF. NO. 0031412
 ORIG. NO. C000313121 PREV. NO. C000314121 SUPER. NO.

NAME: HARPER 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--> 02 02 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1905

PUT TO USE-----> 02 02 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION----> 09 19 1978

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE----->

10.00

PERMIT ISSUE--> 12 22 1978

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 12 22 1978

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA:
 TWSHP RNGE SECT QTR/QTR STREAM-ID
 05 1980

RIV. MI.

RATE

STATUS S OR P

V

S

0.002

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

** SUPP. IR. CHANGES POI PART OF TUMALO

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

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

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

1605 1205 30 B B

09

IR

100

1.00

V

S

W.R.I.S.

Approved 4-4-85 by SDA

Entered by

Verified by

2.0015

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. T0000 *40543* PERMIT NO. 000624 CERTIF. NO. 0026501
NAME: *HARPER BROWN*

ORIG. NO. A000013431 PREV. NO. A00013431 SUPER. NO.

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---> *02 02 1979*

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 04 07 1911

PUT TO USE-----> *02 02 1979*

LAST TRANS. DATE--->

LAST TRANS. TYPE--->

APPLICATION---> *09 19 1978*

SURVEYED----->

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE---> *12 22 1978*

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> *12 22 1978*

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SP 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:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

160S 120E 30 BB 09 IR 100 1.00

V

S

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**-----

**-----

W.R. I.S.

Assembled *7-7-85* by *SDA*Entered *8/1*Verified *by*

TUMALO IRRIGATION DISTRICT

64697 COOK AVE
BEND, OREGON 97701

Phone 382-3053

RECEIVED

APR 9 1980

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use

PURSUANT TO TRANSFER APPLICATION NO. 4054

I, Floyd Bird, 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 July, 19 79.

April 4, 1980
Date

Floyd Bird
Signature

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

OK
Gey

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FEB 2 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Tumalo Cr. et al

PURSUANT TO TRANSFER APPLICATION NO. 4054

I, FLOYD J. BIRD, 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 4-1-78, 1978.

1-30-79

Date

Floyd J. Bird
Signature

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

ok
fij

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DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

6922

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WARRANTY DEED

Unless a change is requested, all tax statements shall be sent to grantee at the following address: Department of Veterans' Affairs, General Services Building, Salem, Oregon 97330

WILLIAM H. BINTING, grantor, conveys and warrants to HARPER B. BROWN and FRANCIS L. BROWN, husband and wife, grantee, the following described real property free of encumbrances except as specifically set forth herein: State of Oregon, County of Deschutes:

PARCEL 1:

The North Half of the Northwest Quarter (N1/2NW1/4) of Section Thirty (30), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, EXCEPT that portion described as follows: Beginning at the Northwest corner of said Section 30, thence along the North line of said Section 30, South 89° 22' 54" East, 265.86 feet, to the right of way of an irrigation canal, thence following said right of way South 37° 12' 17" West, 81.54 feet; thence South 31° 05' 50" West, 220.51 feet; thence South 46° 15' 51" West, 143.17 feet to the West line of said Section 30, thence departing said canal right of way, along the West line of said Section 30, North 00° 06' 41" East, 355.47 feet, to the point of beginning; ALSO EXCEPT that portion described as follows: Commencing at the Northwest corner of said Section 30: thence along the North line of said Section 30, South 89° 22' 54" East, 390.40 feet to the true point of beginning of this description, thence along the North line of said Section 30, 383.42 feet, thence South 92.58 feet; thence South 77° 07' 30" West 547.83 feet; to the right of way of an irrigation canal; thence following said right of way North 31° 05' 50" East, 115.57 feet; thence North 37° 12' 17" East, 150.45 feet to the true point of beginning; ALSO EXCEPTING THEREFROM that portion described as follows: Beginning at a point on the North line of said Section 325 feet East of the Northwest corner of said Section; thence East along said North line, 65.40 feet; thence South 37° 12' 17" West to a point that is South of the point of beginning; thence North to the point of beginning.

PARCEL 2:

A tract of land lying in the East Half (E1/2) of Section Thirty (30), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the North Quarter corner of said Section 30; thence South 00° 09' 53" West along the West line of the Northeast Quarter of said Section 30, 338.00 feet to the true point of beginning; thence continuing South 00° 09' 53" West along said line 338.00 feet; thence East, 648.26 feet; thence North 542.71 feet; thence South 85° 30' West, 60.00 feet; thence West, 587.51 feet to the true point of beginning.

TOGETHER WITH a 60.00 foot access roadway easement and right of way across the East Half of the aforesaid Section 30, being 30.00 feet when measured at right angles on each side of the following

GRAY, FANCHER, HOLMES & HURLEY

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

BEND TITLE COMPANY

1050 BOND, BEND, OREGON 97701

WARRANTY DEED

Page 1

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DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

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described center line, being more particularly described as follows: Beginning at a point on the westerly right of way line of the Cline Falls Secondary Highway which bears South $48^{\circ} 00' 27''$ East, 2961.98 feet from the North Quarter corner of said Section 30; thence West, 993.95 feet; thence along the arc of a 38° curve left 95.75 feet (the long chord of which bears South $71^{\circ} 48' 30''$ West) thru a central angle of $36^{\circ} 23'$; thence South $53^{\circ} 37'$ West, 98.75 feet; thence along the arc of a 36° curve right, 96.90 feet (the long chord of which bears South $71^{\circ} 03' 30''$ West) thru a central angle of $34^{\circ} 53'$; thence South $88^{\circ} 30'$ West, 111.91 feet; thence along the arc of a 31° curve right, 295.16 feet (the long chord of which bears North $44^{\circ} 45'$ West) thru a central angle of $91^{\circ} 30'$; thence North, 1585.76 feet.

PARCEL 3:

A tract of land lying in the East Half (E1/2) of Section Thirty (30), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon; described as follows:

Beginning at the North 1/4 corner of said Section 30; thence South $00^{\circ} 09' 53''$ West along the West line of the Northeast Quarter of said Section 30, 676.00 feet to the true point of beginning; thence continuing South $00^{\circ} 09' 53''$ West along said line 338.00 feet; thence East, 649.23 feet; thence North 338.00 feet; thence West 648.26 feet to the true point of beginning.

Together with a 60.00 foot access roadway easement and right of way across the East Half of the aforesaid Section 30, being 30.00 feet when measured at right angles on each side of the following described center line, being more particularly described as follows: Beginning at a point on the Westerly right of way line of the Cline Falls Secondary Highway which bears South $48^{\circ} 00' 27''$ East, 2961.98 feet from the North 1/4 corner of said Section 30; thence West, 993.95 feet; thence along the arc of a 38° curve left 95.75 feet (the long chord of which bears South $71^{\circ} 48' 30''$ West) thru a central angle of $36^{\circ} 23'$; thence South $53^{\circ} 37'$ West, 98.75 feet; thence along the arc of a 36° curve right, 96.90 feet (the long chord of which bears South $71^{\circ} 03' 30''$ West) thru a central angle of $34^{\circ} 53'$; thence South $88^{\circ} 30'$ West, 111.91 feet; thence along the arc of a 31° curve right, 295.16 feet (the long chord of which bears North $44^{\circ} 45'$ West) thru a central angle of $90^{\circ} 30'$; thence North, 1585.76 feet.

PARCEL 4:

A tract of land lying in the East Half (E1/2) of Section Thirty (30), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

GRAY, FANCHER, HOLMES & HURLEY
ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

WARRANTY DEED

Page 2

Beginning at the North 1/4 corner of said Section 30; thence South 00° 09' 53" West along the West line of the Northeast Quarter of said Section 30, 1014.00 feet to the true point of beginning; thence continuing South 00° 09' 53" West along said line 339.00 feet; thence East 65° 21' feet; thence North 339.00 feet; thence West 649.23 feet to the true point of beginning.

TOGETHER with a 60.00 foot access roadway easement and right of way across the East Half of the aforesaid Section 30, being 30.00 feet when measured at right angles on each side of the following described center line, being more particularly described as follows: Beginning at a point on the Westerly right of way line of the Cline Falls Secondary Highway which bears South 48° 00' 27" East, 2961.98 feet from the North Quarter corner of said Section 30; thence West 993.95 feet; thence along the arc of a 38° curve left 95.75 feet (the long chord of which bears South 71° 48' 30" West) through a central angle of 36° 23'; thence South 53° 37' West 98.75 feet; thence along the arc of a 36° curve right, 96.90 feet (the long chord of which bears South 71° 03' 30" West) through a central angle of 34° 53'; thence South 88° 30' West 111.91 feet; thence along the arc of a 31° curve right, 295.16 feet (the long chord of which bears North 44° 45' West) through a central angle of 91° 30'; thence North 1585.76 feet.

PARCEL 5:

Lot Two (2), commonly referred to as the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Thirty (30), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

TOGETHER with all appurtenant irrigation water rights.

SUBJECT TO:

1. Said property has 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.
2. The existence of roads, irrigation ditches and canals, telephone, telegraph, and power transmission facilities.
3. The rules, regulations and assessments thereon of Tumalo Irrigation District.
4. Rights of the public in streets, roads and highways.
5. Easement for canal as shown on the Deschutes County Tax lot map
6. Easement, including the terms and provisions thereof, for electric transmission line right of way in deed to Mid-state Electric Cooperative, Inc., recorded August 2, 1952,

GRAY, FANCHER, HOLMES & HURLEY
ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

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WATER RESOURCES DEPT.
SALEM, OREGON

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in Volume 101, Page 424, Deed records, affecting parcels 2, 3, and 4.

7. Covenants, conditions and restrictions as contained in instrument recorded August 10, 1967, in Volume 154, Page 386, Deed records and as amended by instrument recorded November 4, 1970, in Volume 173, Page 14, Deed records, affecting Parcels 2, 3 and 4.

8. Covenants, conditions and restrictions as disclosed by deed to William H. Bunting, etux, recorded February 2, 1973, in Volume 192, Page 276, Deed records, affecting Parcel 2.

9. Easement, including the terms and provisions thereof, for access roadway and right of way, as reserved by Kittredge Hamlin etux, in deed recorded February 2, 1973, in Volume 192, Page 274, Deed records, affecting Parcel 2.

10. Easement, including the terms and provisions thereof, for an electric distribution line as granted to Pacific Power & Light Company, by instrument recorded June 1, 1971, in Volume 176, Page 157, Deed records.

11. Easement, including the terms and provisions thereof, for access roadway and right of way, as reserved by Daniel C. Boone et al, in Unrecorded Contract executed next above, affecting Parcels 3 & 4.

The true consideration for this transfer is \$215,000.00.

DATED this 29th day of October, 1975.

William H. Bunting
William H. Bunting

STATE OF OREGON, County of Deschutes, ss: 10/29/75
Personally appeared the above named WILLIAM H. BUNTING and acknowledged the foregoing instrument to be his voluntary act. Before

6922

STATE OF OREGON
County of Deschutes

I herby certify that the within instrument of writing was received for Record the 31 day of Oct A.D. 1975 at 4:26 o'clock P.M. and recorded in Book 227 on Page 811 Records of

ROSEMARY PATTERSON

County Clerk

By James L. Holman Deputy

GRAY, FANCHER, HOLMES & HURLEY

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

James L. Holman
NOTARY PUBLIC FOR OREGON
My Commission Expires 10-22-78

WARRANTY DEED

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