

4380 Stoll

C.O.D.

Name Manuel + Jeri Stoll
By C.O.I.D.
Address P.O. Box 548
Redmond, OR 97756

4380

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use irrigation
Quantity of water _____ No. of acres 5⁰
Name of ditch Pilot Butte
Date of priority 10-31-1900 + 12-2-1907
In name of Curt Alfrey
Deschutes Riv Adjudication, Vol. 16, page 129
App. No. _____ Per. No. _____ Cert. No. 29052
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-28-80</u>	<u>30.00</u>	<u>15830</u>
TOTAL		
	Cert. Fee	

Change in POU
Date filed Jan 28, 1980
Date of hearing _____
Place of hearing _____
Date of order 2-14-80 Vol. 33, page 21
Date for application of water 10-1-84 ^{EXT} 10-1-84
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

FEES REFUNDED

Date	Amount	Check No.

To Survey 12-6-87

Surveyed 2/14/85 - Murphy

REMARKS

5 ac to Michael Murphy

W.R.I.S.

Assembled 12-6-87 by SP

Entered _____ by _____

Verified _____ by _____

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

287

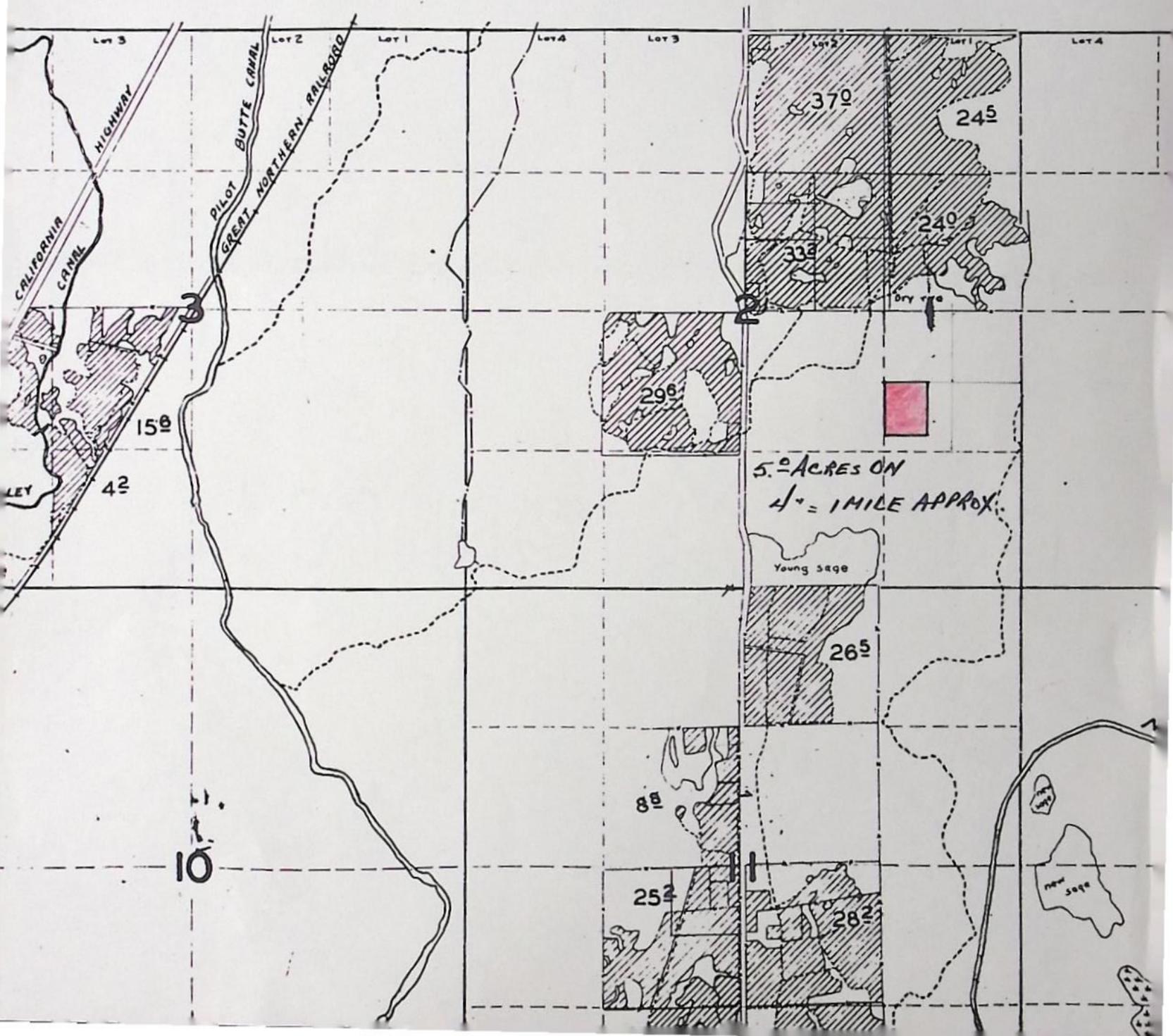
RANGE 12 EAST, W.M.

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT
SALEM, OREGON

SEC. 2 T 17 S., R. 12 E W.M

T-4380

STOLL TO MURPHY-



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
MANUEL & JERI STOLL (CENTRAL OREGON)
IRRIGATION DISTRICT) FOR APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4380

On January 28, 1980, an application was filed in the office of the Water Resources Director by Manuel and Jeri Stoll for approval of a change in place of use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the use of the waters of Deschutes River and Its Tributaries, a water right was allowed in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for irrigation of, among other lands, a certain 5.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 15 South, Range 13 East, W.M., being tabulated in the name of Curt Alfrey at Volume 16, page 129, with dates of priority of October 31, 1900 and December 2, 1907, as evidenced by certificate recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under permit No. 23256 to the use of water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913. These lands are irrigated by means of the Pilot Butte Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 17 South, Range 12 East, W.M. (Michael Murphy).

The lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use at a regular meeting held December 4, 1979.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

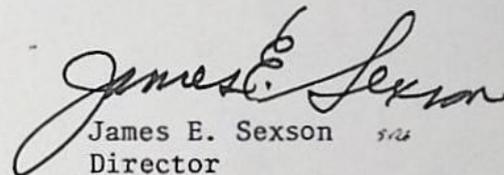
be approved.

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 receipt of 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, a certificate of water right shall be issued to Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 14th day of February, 1980.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOSEPH F. JACKSON FOR APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4845

On August 6, 1981, an application was filed in the office of the Water Resources Director by Joseph F. Jackson for approval of a change in place of use of water from an unnamed stream and reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Transfer 3568, recorded at page 5, Volume 30, Special Order Record, in the name of Joseph F. Jackson, describes a right which includes the use of not to exceed 0.45 cubic foot per second from an unnamed stream and reservoir for irrigation of 2.60 acres in NE 1/4 NE 1/4, 25.15 acres in NW 1/4 NE 1/4, 6.80 acres in SW 1/4 NE 1/4, 0.70 acre in NE 1/4 NW 1/4 and 0.90 acre in SE 1/4 NW 1/4, Section 33, Township 1 South, Range 2 West, WM, with a date of priority of April 5, 1949.

Water for the said right is diverted from a point located 1,300 feet South and 1,375 feet West from the East Quarter Corner of Section 33, being within the NE 1/4 SE 1/4 of Section 33, Township 1 South, Range 2 West, WM.

The applicant proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 10.2 acres in Lot 7 (NE 1/4 SE 1/4) and 25.95 acres in Lot 2 (NW 1/4 SE 1/4), Section 33, Township 1 South, Range 2 West, WM.

Clayton J. Gardner, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

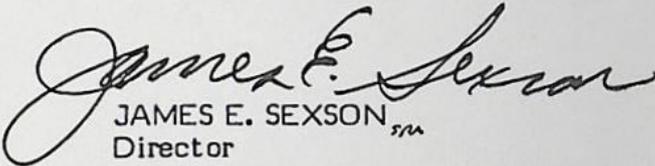
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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, 1983.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered November 13, 1977, approving Transfer 3658; and upon receipt of proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order and the order approving Transfer 3658, confirming certificates of water right shall be issued.

Dated at Salem, Oregon this 25th day of September, 1981.


JAMES E. SEXSON, SM
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

~~6995A~~

T-4845

FILED

DEPT. OF REVENUE
WASHINGTON COUNTY

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

JOSEPH JACKSON and MARIE)	
JACKSON, husband and wife)	No. 40-725
)	
Plaintiffs,)	JUDGMENT ORDER
vs.)	
)	
LESLIE C. GOLD and FLORIS C.)	
GOLD, husband and wife,)	
)	
Defendants.)	

The parties hereto having agreed to a resolution of issues in this case by written stipulation, a copy of which is attached hereto and made a part hereof,

NOW, THEREFORE, it is hereby ORDERED AND ADJUDGED as follows:

1. The place of use of the water right represented by permit no. 19431, Certificate No. 23313, encompassing 50.3 acres shall be transferred, upon application of the plaintiffs, from the property described in Exhibit "C" of the Stipulation, to the property described in Exhibits "A" and "B" thereof, as follows:

- a. The place of use of 11 acres of said water right shall be transferred to the southerly part of the property described in Exhibit "B".
- b. The place of use of 25.15 acres of said water right shall be transferred to the southerly part of the property described in Exhibit "A".
- c. The remaining 14.15 acres shall remain on the most easterly part of the property described in Exhibit "C".

The State of Oregon, Water Resources Director is hereby

EXHIBIT "I"

J. W. Duff
ATTORNEY AT LAW
HARRIS-STURGIS BUILDING - 126 NORTH SECOND
HILLSBORO, OREGON 97123
648-1186

authorized and directed to effect such transfer of place of use and enter the same on the records of the State of Oregon, Water Resources Department and shall issue an order accordingly.

It is further ORDERED AND ADJUDGED that Part II of the stipulation of the parties is hereby incorporated herein and made a part of this judgment order, and the parties are directed to abide by its terms and cooperate in the accomplishment of the same.

DATED this 10TH day of March, 1981.

(s) Albert R. Musick
Circuit Court Judge



1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF WASHINGTON

FILED

1991 APR 16 AM 11:54

3 JOSEPH JACKSON and MARIE JACKSON, husband and wife

RECORDS & ELECTIONS WASHINGTON COUNTY No. 40-725

4 Plaintiff,

STIPULATION FOR ENTRY OF JUDGMENT ORDER

5 vs.

6 LESLIE C. GOLD and FLORIS C. GOLD, husband and wife,

7 Defendants.

9 PART I.

10 The parties hereby stipulate as follows with regard
11 to the issues raised in the above captioned case:

12 1. Plaintiffs are the owners of the real property
13 described in Exhibit "A" attached hereto and made a part hereof.

14 2. Defendants are the contract purchasers of the
15 property described in Exhibit "B" attached hereto and made a
16 part hereof.

17 3. Defendants are also the contract purchasers of
18 the real property referred to in plaintiffs' complaint as the
19 "Boge" property, which is more particularly described in Exhibit
20 "C" attached hereto and made a part hereof.

21 4. That on November 3, 1977, an order was entered by
22 the State of Oregon, Water Resources Director approving transfer
23 no. 3658, which transferred the place of use of Water Right
24 Permit No. 19431, Certificate No. 23313, representing 50.3 acres,
25 from the property described in Exhibits "A" and "B", to the
26 property described in Exhibit "C".

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Date 7-21-81
Roger Thomsson, Dir. of Records & Elections
Deputy
WASHINGTON COUNTY

J. W. Darr
ATTORNEY AT LAW
HARE-BURGIS BUILDING - 126 NORTH SECOND
HILLSBORO, OREGON 97123
548-1186

J. W. Darr
ATTORNEY AT LAW
HARRIS-STURGIS BUILDING - 126 NORTH SECOND
HILLSBORO, OREGON 97123
548-1186

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5. Plaintiffs, as owners of the property described in Exhibit "A", and defendants, as and only as contract purchasers of the properties described in Exhibits "B" and "C", consent to a judgment order being entered herein directing and authorizing the transfer of said water right by the State of Oregon, Water Resources Director, upon application by plaintiffs, from the property described in Exhibit "C" to the property described in Exhibits "A" and "B", as follows:

- a. The place of use of 11 acres shall be transferred to the southerly part of the property described in Exhibit "B".
- b. The place of use of 25.15 acres shall be transferred to the southerly part of the property described in Exhibit "A".
- c. The remaining 14.15 acres shall remain on the most easterly part of the property described in Exhibit "C".

Defendants have not informed the fee holders of the property described in Exhibits "B" and "C" of the transfer of the water right proposed by this stipulation. Defendants have no authority to consent to the transfer on behalf of the fee holders, therefore, this stipulation is a consent to the transfer only of those rights defendants currently hold in said water right as contract purchasers. Attached as Exhibit "D" is a Consent to Transfer of the water right which defendants shall sign and which shall be submitted to Roberta Boge for her signature.

PART II.

Although the following stipulations are not relevant

1 to the issues raised in the pleadings, the parties request that
2 they be incorporated into the judgment order and that the parties
3 be directed to abide by them and cooperate in the accomplishment
4 of each of them:

5 1. Defendants shall purchase plaintiffs' interest in
6 the parties' irrigation pump, intake pipe and electrical con-
7 nections and all accessories except for plaintiffs' irrigation
8 pipe, for the sum of \$1,500.00, and shall promptly move the
9 same to a point at least 150 feet north of the existing pumping
10 station.

11 2. Defendants shall provide plaintiffs with a copy of
12 the "flood leases" with adjoining property owners, and plaintiffs
13 shall pay to defendants their one-half share of the rent on those
14 leases for the years 1979, 1980, and 1981, which is agreed to
15 be no more than \$1,000.00 per year. Plaintiffs shall also pay
16 their one-half share of the rental on said leases in each ad-
17 ditional year covered by those leases as such rentals become
18 due.

19 3. The parties shall cooperate in effecting the in-
20 stallation of a separate electrical meter to the culinary well
21 which they share. The monies already expended by plaintiffs
22 toward that end shall constitute plaintiffs' full share of any
23 expenses incurred thereby. Defendants shall pay any remaining
24 expenses incurred in the installation of said meter.

25 4. For the year 1980, and for future years, the
26 electricity charges for the culinary well shall be shared by the

J. W. Dart
ATTORNEY AT LAW
HARE-STURGIS BUILDING - 126 NORTH SECOND
HILLSBORO, OREGON 97123
048-1186

1 parties as follows:

2 a. For the months of May, June, July, August
3 and September, plaintiffs shall pay one-half
4 thereof and defendants shall pay one-
5 half.

6 b. For all other months plaintiffs shall pay
7 one-third thereof and defendants shall pay
8 two-thirds.

9 5. Defendants shall pay to plaintiffs the sum of
10 \$392.29 for their share of miscellaneous repairs and charges
11 which have been incurred and paid by plaintiffs over the past
12 three years.

13 6. Plaintiffs shall pay to defendants the sum of
14 \$419.87 for their share of the miscellaneous repairs and charges
15 which have been incurred and paid by defendants over the past
16 three years. In addition, plaintiffs shall pay to defendants
17 an amount equal to one-half of the 1980 electric charges for
18 the irrigation pump.

19 7. All repairs or other expenses which are to be
20 shared by the parties shall be approved by all parties prior
21 to any repairs being made or expenses incurred, unless an
22 emergency situation exists and one of the parties cannot be
23 reached for such prior approval. Documentation of such ex-
24 penses shall be provided upon request.

25 8. No commercial fishing shall be allowed on the
26 irrigation pond by any party. However, each party may allow
family and friends to fish on that part of the pond which is
located on their own property, and shall not allow trespassing

J. W. Darr
ATTORNEY AT LAW
HARRISBURG BUILDING - 126 NORTH SECOND
HILLSBORO, OREGON 97123
648-1188

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by those persons on the property owned by the other party. A party allowing fishing on the pond shall hold the other party harmless from any liability created thereby.

9. Defendants are hereby granted a license to enter plaintiffs' potatoe shed for the purpose of inspecting and/or making repairs to the pressure tank for the culinary well, which is located in the shed.

10. Each party hereby releases the other from all claims, liabilities or charges, other than as set forth herein, which may have accrued to either party, for any reason, at any time in the past, up to the date hereof.

DATED this 10 day of March, 1981.

Leslie C. Gold 3/6/81

Leslie C. Gold
(5) *Floris G. Gold*

Floris C. Gold
(5) *Joseph Jackson*

Joseph Jackson
(5) *Marie Jackson*

Marie Jackson



STATE OF OREGON

T- 4380
T- 4545
T- 4483
T- 4736
T- 4871

INTEROFFICE MEMO

TO: John R. McCulloch, Jr.
Chief Trial Counsel

FROM: Robert A. Petersen
Assistant Attorney General

SUBJECT: Lowe v. Stoll
Deschutes County Circuit Court Case No. 33785

DATE: January 13, 1987

RECEIVED

JAN 13 1987

WATER RESOURCES DEPT.
SALEM, OREGON

CLOSING REPORT

The above-entitled matter has been dismissed. This was a case that was filed in 1983 and several of the parties have since gone bankrupt or declared their non-interest in the property. The Water Resources Department had been named a defendant for the purposes of allowing a court to order some type of change in water rights. It was the position of the state that a circuit court, except in administrative review type proceedings, cannot decree a change in water rights that have already been perfected, and further, that plaintiff had no standing to request such change.

The file may now be closed.

cc: Bruce Boyd
Kendall Barnes
Bill Gary
Dave Frohnmayer
William Young
John Borden

RAP/eo

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

WATER RIGHT NO. *5000 43801* PERMIT NO. 016 *129* CERTIF. NO. 29052
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: *MICHAEL R MURPHY*
ADDRESS: COID PO BOX548
CITY/STATE/ZIP/COUNTY; REDMOND, OR 97756

~~07~~
09

STREAM-ID 05 1980 RIV.MI. 0.0 WM.DIST. 11 W.R.TYPE SC STATUS V

CANCEL YEAR----> CONSTR.COMPLT--> *12 04 1984* YR.LAST USED-----> NEXT ACTION DUE-->
PRIORITY-----> 10 31 1900 PUT TO USE-----> *12 04 1984* LAST TRANS.DATE--> LAST TRANS.TYPE-->
APPLICATION----> *01 28 1980* SURVEYED-----> EXAM.FEE-----> *20.00* RECORDING FEE----> *10.00*
PERMIT ISSUE--> *02 14 1980* CONCURRENCE----> CYCLE STATUS-----> REPORTED FLAG---->
CONSTR.STRT.--> *02 14 1980* CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA;
TWNSP RNGE SECT QTR/QTR STREAM-ID

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
170S	120E	29	A D	05 1980	<i>4.7</i> 164.9	0.000	V			P
180S	120E	13	A C	05 1980	171.0	0.000	V			P
					0.0	0.000				

** REMARKS; - - - - -
** DATED-->
** ~~PRIORITY ALSO 12-2-1907 CHANGES POLL~~
** ~~PART OF C-29052 PILOT BUTTE CENTRAL~~
** ~~OREGON CANAL TAB IN NAME OF CURT~~
** *ALFREY*

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
<i>170S</i>	<i>120E</i>	<i>02</i>	<i>D A</i>	<i>09</i>	<i>IR</i>	<i>100.00</i>	<i>5.00</i>		<i>V</i>			<i>P</i>
						<i>.00</i>	<i>.00</i>					
						<i>.00</i>	<i>.00</i>					

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W.R.I.S.
Assoc. *12-6-84* by *SPK*
Entered _____ by _____
Verified _____ by _____

RECEIVED

DEC 4 1984

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water

point of diversion of water

use heretofore made of water

Under the Terms of TRANSFER APPLICATION 4380

I, Michael R. Murphy, 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 oct 1, 1984

11-24-84
(date)

Michael R. Murphy
(signature)

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

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

Transfer 4380

RECEIVED

NOV 22 1983

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Michael R. Murphy
(Name of Applicant)

of 67125 Pioneer Loop, Bend
(Mailing Address) (City)

State of Oregon, 97701, 389-8012
(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 Feb. 14, 1980, approving Transfer 4380, in the name

of Michael R. Murphy,

for water use on 5.0 acres in NE 1/4 SE 1/4 of Section 2,
Township 17 South, Range 12 East, W.M.

(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:

Wier, Pond Supply Pump & Pipe, Underground mainline & irrigation
pumps, 600 ft handline, has been acquired and installed.
approx 3 1/2 acres are now under irrigation

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

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: to plant remaining 1 1/2 acres that have been cleared

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,

because of the funds necessary to accomplish the above made progress
slow, and I run out of planting time this fall and was unable
to plant remaining land before freezing weather and request that the
time for completion be extended to October 1, 1984.

Michael R. Murphy
(signature of applicant)

\$100.00
#39928
Nov. 22, 1983

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

Ext to 10-1-84
SRA

56/7



STATE OF OREGON

INTEROFFICE MEMO

TO: LARRY W. JEBOUSEK

DATE: NOVEMBER 4, 1982

FROM: SAMUEL R. ALLISON

SUBJECT: VIOLA LOWE (STOLL TRANSFERS 4380, 4483, 4545, 4736 and 4871)

1. Deed from Lowe to Stolls dated September 8, 1978, recorded September 11, 1978, no exceptions listed, no encumbrances listed.
2. T-4380 filed January 28, 1980, approved February 14, 1980.
3. Item 9 of the transfer application states that Stolls are legal owners of the property.
4. Item 11 states the Stoll property is free of encumbrances.
5. Item 12 repeats Item 11; i.e. "none".
6. T-4483, filed April 24, 1980, approved June 9, 1980.
T-4545, filed June 20, 1980, approved August 15, 1980.
T-4736, filed April 8, 1981, approved May 21, 1981.
T-4871, filed August 14, 1981, approved November 6, 1981.
All contain data the same as in T-4380.

Conclusion

As far as the Water Resources Department knew, given the data required, and the data submitted, the Stolls were the sole legal owners of the lands in question, with the authority to divest the property of water right.

3411B

JAMES F. BODIE
BRUCE W. NEWTON
BARBARA HASLINGER
GARY J. BODIE
ATTORNEYS

KATHY OVERALL
LEGAL ASST. & OFFICE MGR.
RAE NORA HAYNIE
LEGAL ASST. & SECRETARY
SANDRA SEVERANCE
LEGAL ASST. & BOOKKEEPER

BODIE, NEWTON & HASLINGER

ATTORNEYS AT LAW
201 N. MAIN ST. BOX 621
PRINEVILLE, OREGON
97754

PHONE 447-4146
AREA CODE 503
RODNEY R. GLANTZ
(1938-1971)

December 3, 1982

RECEIVED

DEC 7 1982

**WATER RESOURCES DEPT.
SALEM, OREGON**

Central Oregon Irrigation District
847 S. 6th
Redmond, OR 97756

Jim Sexton, Water Resources Director
Department of Water Resources
555 13th N.E.
Salem, OR 97301

Re: Viola E. Lowe

Dear Sirs:

The law firm of Bodie, Newton & Haslinger has been retained by Viola Lowe to represent her in the following matter.

1. On September 8, 1978, Viola Lowe sold a parcel of property to Manuel Stoll and Jerri Stoll, husband and wife.
2. The deed was recorded on September 11, 1978, in Book 282 on Page 829 in the Deschutes County Records. The property included 25 acres of Central Oregon Irrigation District Water.
3. As part of the same transaction, on September 8, 1978, Mr. and Mrs. Stoll gave Viola Lowe a trust deed on the same property as security for payment of the sale price. That trust deed was recorded on February 21, 1980, Book 286, Page 490, Mortgage Records in Deschutes County.
4. The property description in the trust deed is as follows: The Southeast Quarter of the Northwest Quarter of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom, the Southeast Quarter of said Southeast Quarter of the Northwest Quarter of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. Together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or

Central Oregon Irrigation District
Jim Sexton, Water Resources Director
December 5, 1982
Page 2

used in connection with said real estate.

ORS 540.510 states: "All water used in this state for any purpose shall remain appurtenant to the premises upon which it is used . . ." Mrs. Lowe thus retained a lien through the trust deed on the water rights which were appurtenant to the above described property.

5. Subsequent to the above transactions, and contrary to Viola Lowe's rights, the Stolls transferred to other parties a total of 25 acres (all the acreage owned by Mrs. Lowe) of Central Oregon Irrigation District water.

6. These transfers were achieved by means of applications for transfer of water rights on which the Stolls misrepresented that the lands from which they proposed to transfer the water rights were free of all encumbrances, including taxes, mortgages, liens, etc.

7. These transfers were approved before the Water Resources Director of Oregon of Deschutes County in orders approving transfers Nos. 4380, 4483, 4545, 4736, and 4871.

8. In none of these transfers was notice given to Viola Lowe of the proposed transfer, nor apparently were the records ever searched to discover if there was any interest other than the Stolls' in the property.

Subsequent to these transfers, Viola Lowe foreclosed her trust deed against the Stolls in the Circuit Court of Oregon, Deschutes County, Case No. 30729, and the Judgment of Foreclosure was signed December 24, 1981. The property was sold and Mrs. Lowe was the purchaser, and the Order Confirming Sale of Real Property was signed March 30, 1982. It was only after this foreclosure that Mrs. Lowe discovered that her water rights had been transferred to other parties without her knowledge. She then brought this information to our office.

Because the water rights were transferred without Mrs. Lowe's knowledge or approval, we are asking that you immediately declare the following Orders Transferring Water Rights invalid:

1. Order Approving Transfer no. 4380, transferring 5 acres to Michael Murphy, approved December 4, 1979.
2. Order Approving Transfer no. 4483, transferring 1 acre to E. A. Walters, approved April 8, 1981.

Central Oregon Irrigation District
Jim Sexton, Water Resources Director
December 3, 1982
Page 3

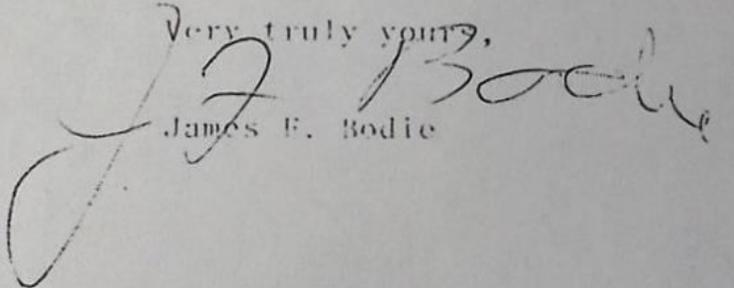
3. Order Approving Transfer no. 4515, transferring 7 acres to Bernard Bentz, approved May 13, 1980.
4. Order Approving Transfer no. 4736, transferring 4 acres to May E. Ruth, approved February 10, 1981.
5. Order Approving Transfer no. 4871, transferring 8 acres to Scott Oakley, approved June 9, 1981.

and we ask that you immediately transfer said water rights back to Viola E. Lowe, the rightful owner of the above referenced 25 acres of Central Oregon Irrigation Water Rights.

We are presently preparing to file suit asking for an order transferring the water rights to Mrs. Lowe and foreclosing the trust deed against all the parties involved.

Thank you very much for your consideration.

Very truly yours,


James E. Bodie

rh

JAMES F. BODIE
BRUCE W. NEWTON
BARBARA HASLINGER
GARY J. BODIE
ATTORNEYS
KATHY OVERALL
LEGAL ASST. & OFFICE MGR.
RAE NORA HAYNIE
LEGAL ASST. & SECRETARY
SANDRA SEVERANCE
LEGAL ASST. & BOOKKEEPER

BODIE, NEWTON & HASLINGER

ATTORNEYS AT LAW
203 N. MAIN-P.O. BOX 623
PRINEVILLE, OREGON
97754

PHONE 447-4146
AREA CODE 503
RODNEY R. GLANTZ
(1938-1971)

October 28, 1982

Water Resources Director
Department of Water Resources
555 13th N.E.
Salem, OR 97301

RECEIVED
OCT 29 1982
WATER RESOURCES DEPT.
SALEM, OREGON

Re: Viola E. Lowe

Dear Sir:

The law firm of Bodie, Newton & Haslinger has been retained by Mrs. Lowe to represent her in regard to property sold by her to Manuel Stoll and Jeri Stoll. Mrs. Lowe sold a parcel of property to Mr. and Mrs. Stoll and retained a trust deed back in the property, dated November 28, 1978. She has recently foreclosed on that trust deed and regained her property. However, upon regaining her property she discovered that Mr. and Mrs. Stoll had sold the water rights appurtenant thereto. These water rights are rights to irrigation water under the Central Oregon Irrigation District and the dates of transfer are as follows: February 14, 1980, five acres to Mike Murphy of Bend; June 9, 1980, one acre to Fred Walters of Bend; August 15, 1980, seven acres to Bernard Bentz of Redmond; May 21, 1981, four acres to May Ruth of Redmond; June 11, 1981, eight acres to Oakley-Pending (?) of Bend. Our question is whether or not these transfers come under ORS Chapter 540.510 to 540.550, and if so, whether the proper notices, hearings and certificates were filed with the State. We would appreciate it if you would send to our offices any information you may have on this matter and copies of any notices sent, hearings held or certificates filed which you may have.

It is presently our contention that these water rights were transferred without notice to Mrs. Lowe and, therefore, are not binding upon her and are voidable.

The property involved is described as follows: In Deschutes County, Oregon, the Southeast quarter of the Northwest quarter of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. EXCEPTING THEREFROM, the Southeast quarter of said Southeast quarter of the Northwest quarter of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. Together with all and singular the tenements, hereditaments, and appurtenances and all other rights thereunto belonging or in anyways now or hereafter appertaining and

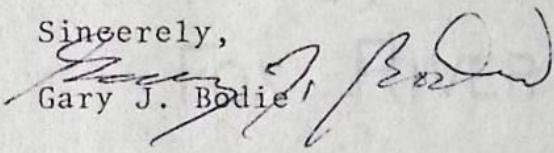
Water Resources Director
October 28, 1982
Page 2

the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate.

Any information you could provide our offices with in regard to this matter would be greatly appreciated.

Thank you very much.

Sincerely,


Gary J. Bodie

rh

T-4380

RECEIVED
JAN 28 1980
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

We Manuel Stoll and Jeri Stoll (Name of applicant)
 of 20250 Marsh Road (Mailing address), Bend (City),
 State of Oregon, 97701 (Zip Code), 382-8165 (Phone number), do hereby make application for change
 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? No. Curt Alfrey, page 129
(If not, give name)
2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No) Adjudication of the Deschutes River number of certificate 29052
3. Was your water right acquired by Water Right Permit? No If so, give number
(Yes or No) 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 Deschutes River, Pilot Butte Canal
5. What is the date of priority of your water right? Oct. 31, 1900 and Dec. 2, 1907
6. The authorized point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the corner of being within the 1/4 1/4 of Section Tp. (No. N. or S.) R. (No. E. or W.) W. M., 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. (N. or S.) and ft. (E. or W.) from the corner of being within the 1/4 1/4 of Section Tp. (No. N. or S.) R. (No. E. or W.) W. M., 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 ¼-¼ of Section	Number Acres To Be Irrigated
15	13	20	SE¼ NW¼	5

(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
None		

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 ¼-¼ of Section	Number Acres To Be Irrigated
17	12	2	NE¼ SE¼	5

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are more beneficial use and lands are
designed for subdivision. This application was filed prior to any develop-
ment of the subdivision or development.

15. Construction work will be completed on or before _____

16. The water will be completely applied to the proposed use on or before Oct. 31, 1980

Remarks Water rights are being transferred to Michael Murphy

Approved by the Board of Directors of the Central Oregon Irrigation District

at a regular meeting held December 4, 1979

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.

AFFIDAVIT OF APPLICANT

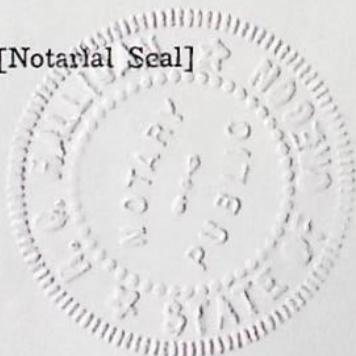
We Manuel Stoll and Jeri Stoll, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 21 day of November, 1979

x Manuel Stoll
x Jeri Stoll
(Name of applicant)

Subscribed and sworn to before me this 21st day of November, 1979

[Notarial Seal]



R. G. Halligan
NOTARY PUBLIC FOR OREGON

My commission expires 6-2-81

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That VIOLA E. LOWE

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Manuel STOLL and JERI STOLL, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Deschutes and State of Oregon, described as follows, to-wit:

The Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. EXCEPTING THEREFROM the Southeast Quarter (SE 1/4) of said Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. TOGETHER WITH: 25 acres of Central Oregon Irrigation District water.

RECEIVED JAN 23 1980 WATER RESOURCES DEPT SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

No Exceptions

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 163,500.00

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 8 day of September, 19 78; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Handwritten signature of Viola E. Lowe

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Deschutes, September 8, 19 78

Personally appeared the above named VIOLA E. LOWE

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Notary Public for Oregon My commission expires: 8-4-80

(OFFICIAL SEAL)

STATE OF OREGON, County of ...) ss. 19

Personally appeared ... and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ...

a corporation, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Notary Public for Oregon My commission expires: ... (OFFICIAL SEAL)

LOWE 1513 SW Pumice Redmond, OR 97756 GRANTOR'S NAME AND ADDRESS

STOLL C70 1351 NE Third Bend, OR 97701 GRANTEE'S NAME AND ADDRESS

After recording return to: NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address. STOLL NAME, ADDRESS, ZIP

STATE OF OREGON, 7818 County of Deschutes) ss.

SPACE RESERVED FOR RECORDER'S USE

I certify that the within instrument was received for record on the 11 day of Sept, 19 78, at 10:44 o'clock A.M., and recorded in book 282 on page 829 or as file/reel number ... Record of Deeds of said county.

Witness my hand and seal of County affixed.

Rosemary Patterson Recording Officer By ... Deputy

RECEIVED

DEC 11 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Place of Use

PURSUANT TO TRANSFER APPLICATION NO. 4380

I, Mike Murphy, 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 Oct 1, 1981.

12-8-81

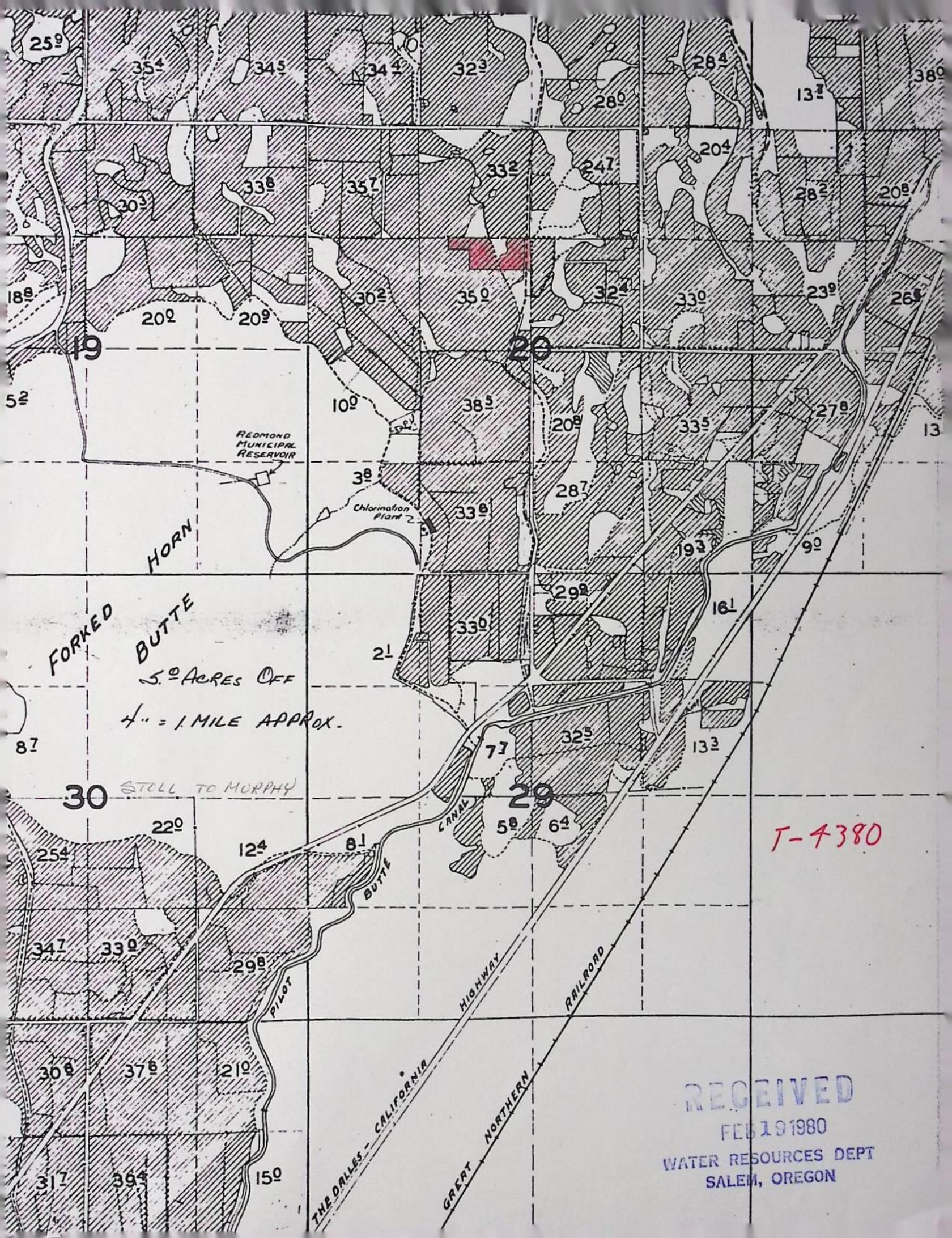
Date

Michael R. Murphy

Signature

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

ok
Fig



REDMOND MUNICIPAL RESERVOIR

Chlorination Plant 2

HORN

FORKED BUTTE

5.0 ACRES OFF

4" = 1 MILE APPROX.

STILL TO MURPHY

CANNAL

PILLOT BUTTE

THE OREGON - CALIFORNIA

HIGHWAY

RAILROAD

GREAT NORTHERN

T-4380

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Jan 6, 1980

FROM: ** Robert F. Main, Jr., Watermaster

RECEIVED

FEB 8 1980
WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4380
IN THE NAME OF Manuel & Jeri Stoll/COID

In my opinion the proposed change in POU of water from Deschutes River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ___ (1) PRIOR to the diverting of water at the new point of diversion . . .
- X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because Note the streets are roughed in and water and elec lines are being installed. Talked to Bob Anderson and he showed me 1966 photo where it was irrigated.

** Duane Clark
Watermaster's signature or initials

AGREEMENT FOR EASEMENT

T-4380



THIS AGREEMENT, Made and entered into this 19..... day of November....., 1979.,
by and between H Howard L. Glazier.....
hereinafter called the first party, and Michael R. Murphy and Avery C. Bowen.....
....., hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Deschutes.....
County, State of Oregon, to-wit: A tract of land located in the NW1/4 of the SE1/4 of
section 2, Township 17 South, range 12 East of the Willamette Meridian, Deschutes County,
Oregon. (Tract #66 of Waymen Tract)

Code 02-o7 Acct# 1712020000707 Serial# 133705

RECEIVED
JAN 28 1980
WATER RESOURCES DEPT.
SALEM, OREGON

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

For installing a 3" pipe to connect with the existing C.O.I. irrigation canal, A-10 lateral of the Pilot Butte Canal. And installing a water pump in such line and associated underground wiring to pump from power pole.

To construct, operate and maintain a 3" irrigation line to carry a supply of irrigation water from A-10 lateral of the Pilot Butte Canal to Tract 65 and 67 of Wayman Tracts as now located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2, T.17S. R.12 EWM (Tract 65) and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, T..17 S, R..12, EWM (Tract 67) Deschutes County, Oregon.

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of Perpetuity....., always subject, however, to the following specific conditions, restrictions and considerations:

Previous easement between Howard L. Glazier and Avery C. Bowen to be null and void upon execution of this conveyance.

In event that the portion of land upon which the wier exists is sold, the future owners of that property shall have the right to the use of that same wier in exchange for the easements. The use of the wier also applies to the present owner, Howard Glazier.

T-4380

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

East West line on the North edge of said property.

A 24" ditch containing A 2" pipe running to property of the second part.

See: Exhibit "A" for location.

RECEIVED

JAN 28 1980

WATER RESOURCES DEPT
SALEM, OREGON

and second party's right of way shall be parallel with said center line and not more than one feet distant from either side thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

Avery C. Bowen
Michael R. Murphy

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,)
County of) ss.

STATE OF OREGON, County of) ss.
, 19

Personally appeared the above named

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

and acknowledged the foregoing instrument to be voluntary act and deed.

_____, a corporation, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
(OFFICIAL SEAL)

Before me:
(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires:

Notary Public for Oregon
My commission expires:

AGREEMENT FOR EASEMENT

BETWEEN
Avery C. Bowen

AND

Michael R. Murphy

STATE OF OREGON,)
County of) ss.

I certify that the within instrument was received for record on the day of _____, 19_____, at _____ o'clock M., and recorded in book/reel/volume No. _____ on page _____ or as document/fee/file/instrument/microfilm No. _____, Record of _____ of said County.

SPACE RESERVED FOR RECORDER'S USE

Witness my hand and seal of County affixed.

NAME TITLE
By _____ Deputy

AFTER RECORDING RETURN TO

TC

AGREEMENT FOR EASEMENT

T-4380



THIS AGREEMENT, Made and entered into this 12 day of Nov., 1979, 7 by and between Avery C. Bowen hereinafter called the first party, and Michael R. Murphy hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Dechutes County, State of Oregon, to-wit:

A tract of land located in the N.W. corner of the S.E. quarter of NW 1/4 SE 1/4 of Sect. Two (2) Township Seventeen (17) South Range Twelve (12) East of the Willamette Meridian Deschutes County, Oregon

Code 2-7 Acc.No. 17 12 2 712

RECEIVED JAN 28 1980 WATER RESOURCES DEPT. SALEM, OREGON

and has the unrestricted right to grant the easement hereinafter described relative to said real estate; NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

For: Installing a 2" pipe across property and to operate and maintain such pipe as to insure a supply of irrigation and domestic water to that tract of land located in the N.E. 1/4 of S.E. 1/4 of Section Two (2) Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon. Section no. 67 of Waymen tracts

(Insert here a full description of the nature and type of the easement granted to the second party.) The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetuity, always subject, however, to the following specific conditions, restrictions and considerations:

K90707E



KNOW ALL MEN BY THESE PRESENTS, That ALBERT F. HOLLAMON AND DARLENE L. HOLLAMON, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto MICHAEL MURPHY AND MARLENE MURPHY, husband and wife, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Deschutes, State of Oregon, described as follows, to-wit:

RECEIVED

JAN 28 1980

WATER RESOURCES DEPT
SALEM, OREGON

A tract of land located in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Two (2) TOWNSHIP SEVEVTEEN (17) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, more particularly described as folloes: Beginning at the Southwest corner of the Northeast Quarter of the Southeast Quarter (SW NE1/4/SE1/4) of said Section Two (2), thence North 00° 25' 22" East, 629.72 feet; thence South 89° 52' 06" East, 642.29 feet; thence South 00° 21' 48" West, 629.86 feet; thence North 89° 51' 21" West 642.29 feet to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 11,530.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 27 day of September, 19 79; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Albert F. Hollamon
ALBERT F. HOLLAMON

Darlene L. Hollamon
DARLENE L. HOLLAMON

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,)
County of Deschutes) ss.
September 27, 19 79

STATE OF OREGON, County of _____) ss.

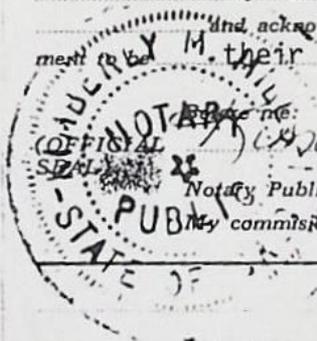
Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the _____ president and that the latter is the _____ secretary of _____

Personally appeared the above named
Albert F. Hollamon
Darlene L. Hollamon

and acknowledged the foregoing instrument as their voluntary act and deed, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)



Notary Public for Oregon
My commission expires:

INDEX

STATE OF OREGON,)
County of Deschutes) ss.

9229

I certify that the within instrument was received for record on the 28 day of Sept, 19 79, at 10.56 o'clock AM., and recorded in book 308 on page 383 or as file/reel number _____

SPACE RESERVED FOR RECORDER'S USE

Record of Deeds of said county. Witness my hand and seal of County affixed.

Rosemary Patterson

Recording Officer
By _____ Deputy

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

MICHAEL MURPHY
223 St Pauls
Bend, OR 97701
NAME, ADDRESS, ZIP

DESCHUTES COUNTY TITL CO
P. O. BOX 323
BEND, OREGON 97701

9228

ASSIGNMENT OF CONTRACT

T-4380

RECEIVED

JAN 28 1980

WATER RESOURCES DEPT
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto MICHAEL MURPHY AND MARLENE MURPHY, husband and wife his heirs, successors and assigns, all of the vendee's right, title and interest in and to that certain contract for the sale of real estate dated September 22, 1979, between WILLARD DECKER AND FERN A. DECKER, husband and wife as seller and ALBERT F. HOLLAMON AND DARLENE L. HOLLAMON, husband and wife

as buyer, which contract is recorded in the Deed* Miscellaneous* Records of Deschutes County, Oregon, in book 258 at page 876 thereof, or as file number (indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendee's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than \$ 11,530.00 with interest paid thereon to September 27, 1979; further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 21,530.00
① However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which) ① the whole

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: September 26, 1979

HOLLAMON
Albert F. Hollamon
Darlene L. Hollamon

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON, Deschutes County of } ss.
September 26, 1979
Personally appeared the above named Albert F. Hollamon and Darlene L. Hollamon
I, J. M. Mills, Notary Public for Oregon, do hereby certify that the foregoing instrument was signed and sealed in the presence of me, the undersigned, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.
Notary Public for Oregon
My commission expires: 11-2-82

STATE OF OREGON, County of) ss.
19
Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of a corporation, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.
Before me:
Notary Public for Oregon
My commission expires:
(OFFICIAL SEAL)

*Strike whichever word not applicable. NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030. If the contract is not already of record, it should be recorded, preferably in the Deed Records.

GRANTOR'S NAME AND ADDRESS
GRANTEE'S NAME AND ADDRESS
After recording return to:
NAME, ADDRESS, ZIP
Until a change is requested all tax statements shall be sent to the following address:
NAME, ADDRESS, ZIP

INDEX
9228
STATE OF OREGON, Deschutes County of } ss.
I certify that the within instrument was received for record on the 28 day of Sept, 1979, at 10:55 o'clock A.M., and recorded in book 308 on page 382 or as file/reel number Record of Deeds of said county. Witness my hand and seal of County affixed.
Rosemary Patterson
Recording Officer
By Anne Hubbard Deputy

DESCHUTES COUNTY TITLE CO.
P. O. BOX 323
BEND, OREGON 97701

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

North-South line on the southeast portion of said property. A 24" ditch containing pipe from the C.O.I. irrigation canal to the property of the second party.

See: Exhibit "A" for location

and second party's right of way shall be parallel with said center line and not more than One feet distant from either side thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

RECEIVED
JAN 28 1980
WATER RESOURCES DEPT.
SALEM, OREGON

Howard L. Glazier
Avery C. Bowen
Michael R. Murphy

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,)
County of) ss.

STATE OF OREGON, County of) ss.
, 19

Personally appeared the above named

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

and acknowledged the foregoing instrument to be voluntary act and deed.

a corporation, and that the seal affixed to the foregoing 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 each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
(OFFICIAL SEAL)

Before me:
(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires:

Notary Public for Oregon
My commission expires:

AGREEMENT FOR EASEMENT

BETWEEN

Howard L. Glazier

AND

Avery C. Bowen

Michael R. Murphy

AFTER RECORDING RETURN TO

STATE OF OREGON) ss.
County of)

I certify that the within instrument was received for record on the day of , 19, at o'clock M., and recorded in book on page or as file/reel number Record of of said county.

Witness my hand and seal of County affixed.

SPACE RESERVED FOR RECORDER'S USE

Recording Officer

By Deputy

NW 1/4 SEC. 20 T.15S. R.13E.W. M.

DESCHUTES COUNTY

SCALE: 1" = 200'

See Map 15 13 17

RECEIVED

JAN 28 1980

WATER RESOURCES DEPT.
SALEM, OREGON

15 13 20B

18 17
OBISIDIAN AVENUE

19 20 200 202 201 100 20

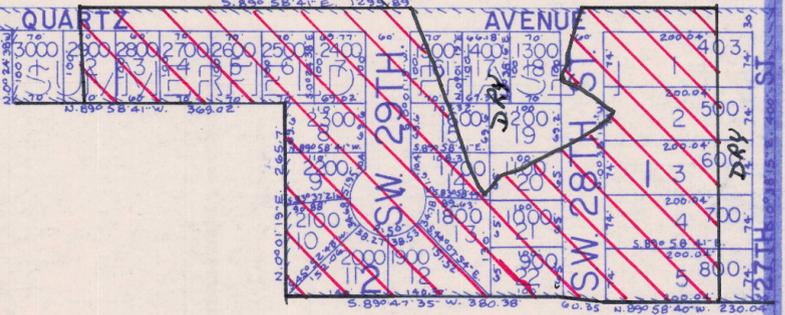
T-4380

203

5.0 ACRES OFF

450' 230' 180' 80'

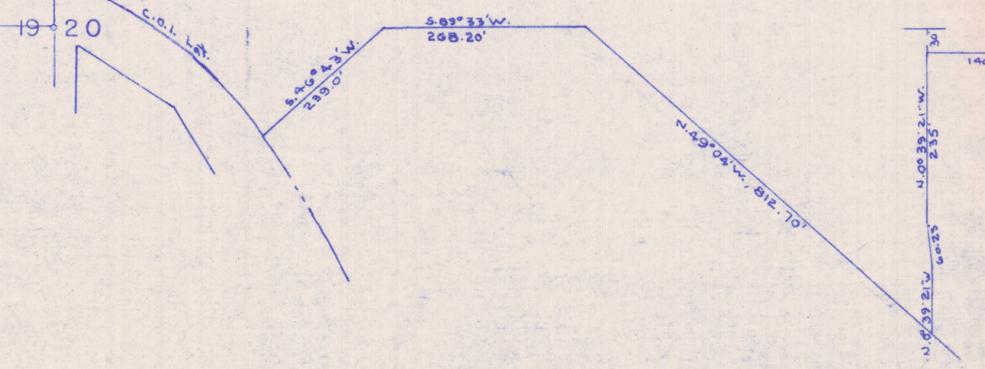
300



400

See Map 15 13 20A

See Map 15 13 19



See Map 15 13 20C

15 13 20B

Sec. 2 T.17S. R.12E.W.M.
DESCHUTES COUNTY

1" = 400

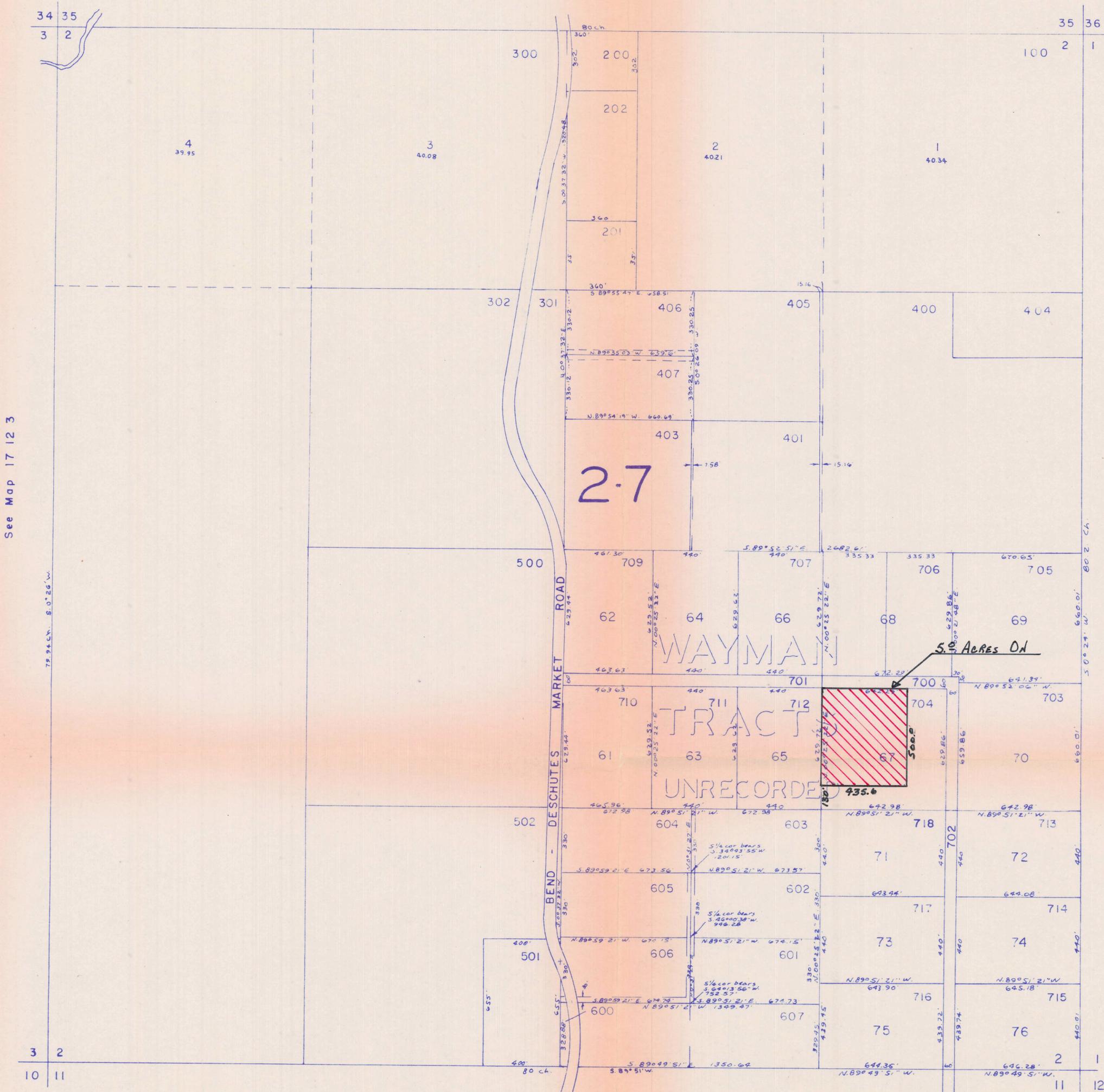
dead numbers 719
708
402

17 12 2

T-4380

RECEIVED
JAN 28 1980
WATER RESOURCES DEPT.
SALEM, OREGON

See Map 16 12 35



See Map 17 12 3

See Map 17 12 1

See Map 17 12 11

17 12 2