

4332

Name Morgan G. & Laverne D. Smith

DESCRIPTION OF WATER RIGHT

FEES PAID

By \_\_\_\_\_

Address 2675 N.W. Odem

Terrebonne, OR 97760

Name of stream Deschutes River

Trib. of \_\_\_\_\_ County of Deschutes

Use Irrigation

Quantity of water \_\_\_\_\_ No. of acres 14.5

Name of ditch Pilot Butte Canal

Date of priority Oct. 31, 1900 & Dec. 2, 1907

In name of Otto Mitchell

Deschutes R Adjudication, Vol. 16, page 85

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>11-19-79</u>	<u>30.00</u>	<u>15059</u>
TOTAL . . .		
	Cert. Fee	

Change in POU

Date filed Nov. 19, 1979

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 1-21-80 Vol. 32, page 660

Date for application of water 10-1-81

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

FEES REFUNDED

Date	Amount	Check No.

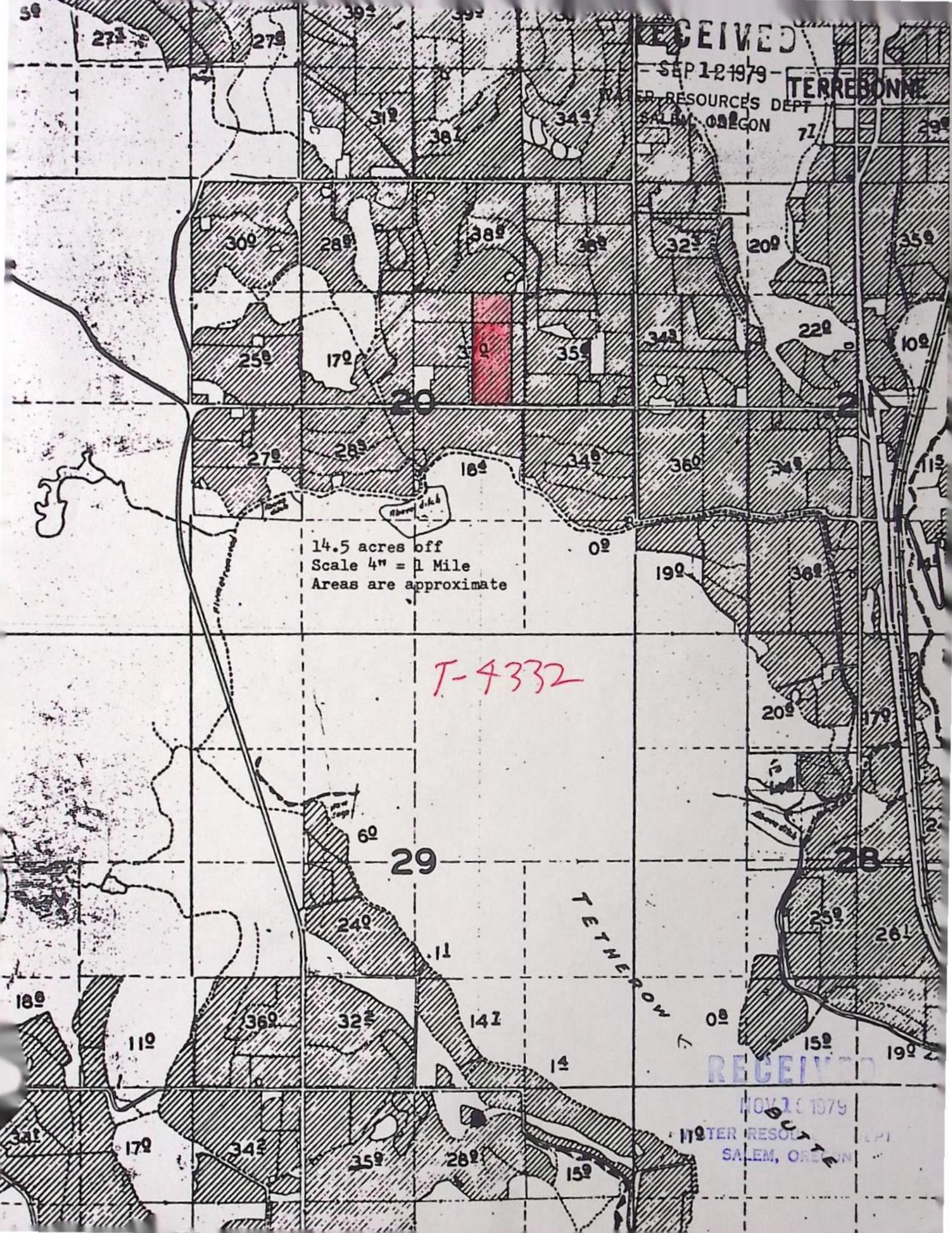
*to survey 10/80*

REMARKS

Surveyed 6/5/84 (Siler)

W.R.I.S.	
Assembled <u>4-3-85</u> by <u>SA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>lej</u>	
	<input checked="" type="checkbox"/> Stream	<u>lej</u>	
	<input checked="" type="checkbox"/> Pt. of Div.		
	<input checked="" type="checkbox"/> Calendar		
	CHECKED TO RECORD:		
	<input checked="" type="checkbox"/> Twp. & Rge.		
	<input checked="" type="checkbox"/> Decree-vault	<u>5RB</u>	
	<input checked="" type="checkbox"/> Decree-safe	<u>5RA</u>	
	<input checked="" type="checkbox"/> Cert. of W/R	<u>5RB</u>	
<input checked="" type="checkbox"/> Per. Folder	<u>5RA</u>		
<input checked="" type="checkbox"/> Chainindex			
<input checked="" type="checkbox"/> Cross Ref.			
<input checked="" type="checkbox"/> Power Claim			
<input checked="" type="checkbox"/> Abstracts	<u>lej</u>		



RECEIVED  
SEP 12 1979  
WATER RESOURCES DEPT  
SALEM, OREGON  
TERREBONNE

14.5 acres off  
Scale 4" = 1 Mile  
Areas are approximate

T-4332

RECEIVED  
NOV 10 1979  
WATER RESOURCES DEPT  
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
MORGAN G. & LAVONNE D. SMITH (CENTRAL )  
OREGON IRRIGATION DISTRICT) FOR AP- )  
PROVAL OF A CHANGE IN PLACE OF USE )  
OF WATER FROM DESCHUTES RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 4332

On November 19, 1979, an application was filed in the office of the Water Resources Director by Morgan G. and Lavonne D. Smith 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 14.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 14 South, Range 13 East, W.M., being tabulated in the name of Otto Mitchell at Volume 16, page 85, 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, contract purchasers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 14.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, Township 14 South, Range 13 East, W.M.

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 July 10, 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

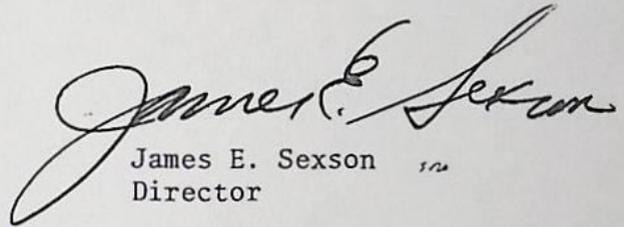
should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed 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 21st day of January, 1980.



James E. Sexson  
Director

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

WATER RIGHT NO. T0000 *4332-1* PERMIT NO. 016 *085* CERTIF. NO. 029052  
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: *MORGAN & LAVONNE SMITH*

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--> *10 08 1980* YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 31 1900

PUT TO USE-----> *10 08 1980* LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> *11 19 1979*

SURVEYED-----> *06 05 1984* EXAM.FEE-----> *20.00*

RECORDING FEE-----> *10.00*

PERMIT ISSUE--> *01 21 1980*

CONCURRENCE-----> CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> *01 21 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>164.9</i>		V			P
<del>180S</del>	<del>120E</del>	<del>13</del>	<del>A C</del>	<del>05 1980</del>	<del>171.0</del>		<del>V</del>			<del>P</del>
					0.0					

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

\*\* ~~PRIORITY ALSO 12-2-1907 CHANGES POIL~~

\*\* ~~PART OF C-29052 PILOT BUTTE CENTRAL~~

\*\* ~~OREGON CANAL TAB IN NAME OF 0110~~

\*\* *MITCHELL*

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

<i>140S</i>	<i>130E</i>	<i>28</i>	<i>C D</i>	<i>09</i>	<i>IR</i>	<i>100.00</i>	<i>14.50</i>	<i>V</i>		<i>P</i>
-------------	-------------	-----------	------------	-----------	-----------	---------------	--------------	----------	--	----------

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\*\*-----

W.R.I.S.

Assigned *4-3-85* by *SCA*

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

RECEIVED

OCT 8 1980

WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Deschutes River

PURSUANT TO TRNASFER APPLICATION NO. 4332

I, Morgan Smith, 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 May 1, 1980.

Oct. 7, 1980

Date

Morgan Smith  
Signature

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

OK  
Coy

8130  
6147  
T-4332

RECEIVED

SEP 12 1979

WATER RESOURCES DEPT  
SALEM, OREGON

# Application for Transfer of Water Right

RECEIVED

NOV 19 1979

WATER RESOURCES DEPT  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Morgan G Smith and Lavonne D. Smith  
(Name of applicant)

of 2675 N.W. Odem Terrebonne  
(Mailing address) (City)

State of Oregon 97760 548-8730, 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? No. Otto Mitchell, page 85  
(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

3. Was your water right acquired by Water Right Permit? yes 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. \_\_\_\_\_ 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 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 ¼-¼ of Section	Number Acres To Be Irrigated
14	13	20	SW¼ NE¼	14.5

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No. Contract purchaser  
(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.? No  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Fed. Land Bank	Letter of consent attached

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
14	13	28	SE¼ SW¼	14.5

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are more beneficial use

15. Construction work will be completed on or before \_\_\_\_\_

16. The water will be completely applied to the proposed use on or before 10/31/79

Remarks Water rights are being transferred to those lands of Morgan Smith and Jerry Weaver through existing facilities.

Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held July 10, 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**

I, Morgan G. Smith and Lavonne D. Smith, 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 28th day of June, 1979

x Morgan G. Smith  
x Lavonne D. Smith  
(Name of applicant)

Subscribed and sworn to before me this 28th day of June, 1979

Robert G. Anderson  
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires Sept. 14, 1979



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

JAN 31 1980

WATER RESOURCES DEPT  
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Dec 26, 1979.

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

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4332

IN THE NAME OF Morgan G. & Lavonne D. <sup>Smith</sup> ~~Reed~~

In my opinion the proposed change in POU 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 There is some question about the transfer as noted in papers sent to Jim Carver Dec 27, 1979

348-2448  
Lee Martin bought the property  
Jan 27<sup>th</sup> 1979  
Lavonne Smith

Warranty Deed 35790  
Vol 302 p182

\*\* OK RM  
Watermaster's signature or initials

Dec. 27, 1979

RE: T-4332

Jim,

RECEIVED

DEC 31 1979

WATER RESOURCES DEPT  
SALEM, OREGON

The Martins insist that the owner (also the realtor told them there has never been any water rights on the property except the 10 ac and that at closing this one paper was shuffled in with a bunch of others to sign (they were not given a copy). They thought they could buy water to put on the ground but the district told them they couldn't until this trans goes through and the ground is dried up which is about 2 yrs.

They are very upset about finding out that the property in fact did have water and that they even signed to transfer it off.

*Duane Clark*

WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR



Morgan Smith and Lavonne Smith aka: Morgan G. Smith and Lavonne D. Smith  
Grantor,  
conveys and warrants to Lee Martin and Lottie Martin, husband and wife

Grantee, the following described real property free of encumbrances  
except as specifically set forth herein situated in Deschutes County, Oregon, to-wit:

Parcel I - The East 337.00 feet of the West 674.00 feet of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), Section 20, Township 14 South, Range 13, East of the Willamette Meridian, Deschutes County, Ore.

Parcel II - The Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 20, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon. EXCEPTING THEREFROM, the West 674.00 feet and the East 165.00 feet and ALSO EXCEPT that portion lying within the right-of-way of Lower Bridge Market Road.

Together with 10 acres of Central Oregon Irrigation water.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free from encumbrances except covenants, conditions, restrictions and easements of record.

The true consideration for this conveyance is \$65,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 27th day of June, 1979

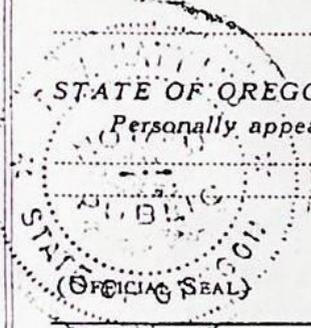
Morgan Smith  
Lavonne Smith

STATE OF OREGON, County of Deschutes ) ss. June 27, 1979

Personally appeared the above named Morgan Smith and Lavonne Smith

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

Before me: [Signature]  
Notary Public for Oregon—My commission expires: Jan. 27, 1981



WARRANTY DEED

Morgan Smith GRANTOR  
Lee Martin & Lottie Martin GRANTEE  
2487 N.W. Odem Ave.  
Terrebonne, OR 97760  
GRANTEE'S ADDRESS, ZIP

After recording return to:

Lee Martin  
2487 N.W. Odem Ave.  
Terrebonne, OR 97760

NAME, ADDRESS, ZIP

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

Lee Martin  
2487 N.W. Odem Ave.  
Terrebonne, OR 97760

NAME, ADDRESS, ZIP

INDEX

35790

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON

County of Deschutes ) ss.

I certify that the within instrument was received for record on the 29 day of June, 1979, at 4:08 o'clock P.M., and recorded in book 302 on page 182 or as file/reel number, Record of Deeds of said County.

Witness my hand and seal of County affixed.

Rosemary Patterson  
Recording Officer  
By Rhonda Lantz Deputy

5199 N. Hwy. 97  
Terrebonne, OR 97760  
June 27, 1979

Central Oregon Irrigation District  
847 S. Sixth St.  
Redmond, OR 97756

RECEIVED

DEC 31 1979

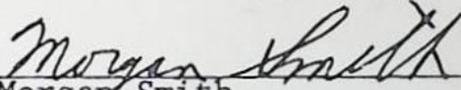
WATER RESOURCES DEPT  
SALEM, OREGON

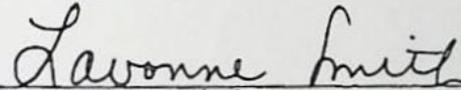
Gentlemen:

In connection with a property sale and transfer of water rights being closed by Key Title & Escrow, please accept this letter as authorization to transfer the 15 acre water rights allotted to Parcel C (see attached exhibit "A") to the property as described in the attached Exhibit "B").

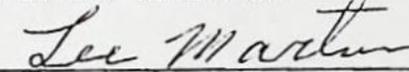
The 10 acre water rights allotted to Parcel B will be transferred to the buyers, Lee & Lottie Martin.

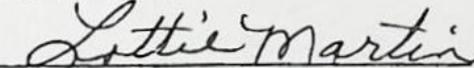
Yours truly,

  
Morgan Smith

  
Lavonne Smith

APPROVED AND ACCEPTED:

By   
Lee Martin

  
Lottie Martin

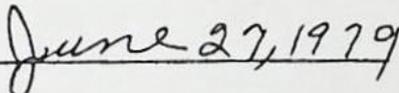
Dated: 

EXHIBIT "A"

LEGAL DESCRIPTION  
MORGAN G. & LAVONNE D. SMITH  
MINOR PARTITION

PARCEL A

~~The West 337.00 feet of the Southwest quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section 20, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.~~

PARCEL B

The East 337.00 feet of the West 674.00 feet of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section 20, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL C

The Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 20, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM, the West 674.00 feet and the East 165.00 feet and ALSO EXCEPT that portion lying within the right-of-way of Lower Bridge Market Road.

Now, therefore, it said mortgagor shall keep...  
to its terms, this...  
all of said...  
ceedin...  
dec...  
/

EXHIBIT "B"

That portion of the Southwest Quarter of Section Twenty-eight (28), Township Fourteen (14) South, Range Thirteen (13) East, Willamette Meridian, Deschutes County, Oregon, described as follows:

The Southwest Quarter of the Southwest Quarter (SW-1/4 SW-1/4) of said Section 28, and the Southerly 140.00 feet of the Northwest Quarter of the Southwest Quarter of said Section 28, and that portion of the East Half of the Southwest Quarter (E-1/2 SW-1/4) of said Section 28 lying Westerly and Southerly of the Centerline of Central Oregon Irrigation District Lateral "F" ditch.

EXCEPTING THEREFROM that portion of the East Half of the Southwest Quarter (E-1/2 SW-1/4) of said Section 28 lying Northerly of the following described line: Beginning at the Northwest corner of the East Half of the Southwest Quarter (E-1/2 SW-1/4) of said Section 28; thence South  $0^{\circ} 10' 08''$  West along the Easterly line of said East Half 106.90 feet to the True Point of Beginning; thence North  $88^{\circ} 00' 03''$  East, 525.96 feet to the Beginning of a Tangent, 600 foot radius curve, concave Southerly; thence Easterly along the arc of said curve through a Central angle of  $6^{\circ} 24' 21''$  a distance of 67.03 feet to the centerline of said Lateral "F" ditch; thence Northeasterly along the centerline of said Lateral "F" ditch to the Northerly line of said East Half.

TOGETHER WITH an appurtenant water right of  $\frac{1}{2}$  acres under the system of the Central Oregon Irrigation District.

MEMO TO FILE NO. T-4332

DUANE OF BOB MAIN'S OFFICE CALLED THIS DATE  
PEOPLE IN THEIR OFFICE TODAY SAY THEY PURCHASED THE LANDS FROM  
WHICH THE WATER IS BEING SEVERED BY T-4332 PRIOR TO DATE THE  
APPLICATION WAS SIGNED BY SMITHS (JUNE 27, 1979 IS DATE THEIR  
DEED WAS RECORDED).

DUANE IS SENDING PHOTO COPIES OF DEED AND A LETTER FOR OUR INFO.

LET'S HOLD UP ON THIS UNTIL WE KNOW WHAT'S GOING ON.

JIM CARVER

15108  
STATUTORY WARRANTY DEED SET 12 1979

RECEIVED

WATER RESOURCES DEPT. VOL 243 PAGE 993  
SALEM, OREGON

GRANTOR: LERCO, INC., a Nevada Corporation

GRANTEES: MORGAN G. SMITH and LAVONNE D. SMITH, husband and wife

CONSIDERATION: \$50,000.00

RECEIVED

NOV 19 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

Grantors convey and warrant to Grantees the following described real property free of encumbrances except as specifically set forth herein:

The Southwest 1/4 of the Northeast 1/4 of Section 20, TOWNSHIP 14 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, EXCEPT the East 165 feet and ALSO EXCEPT that portion lying within the right of way of Lower Bridge Market Road.

TOGETHER WITH an appurtenant water right of thirty-four (34) acres under the system of the Central Oregon Irrigation District.

SUBJECT TO:

- 1) As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes and interest thereon, which will be paid by Grantees.
- 2) Existing telephone, telegraph and power lines, roads, railroads, highways, ditches, canals and pipelines, and reservations contained in state deeds and federal patents.
- 3) The premises under search fall within the boundaries of Central Oregon Irrigation District and are subject to rules, regulations, assessments and liens thereon.

EXECUTED this 11<sup>th</sup> day of January, 1977, and it has caused its name to be signed by its officers, duly authorized thereto by order of its board of directors.

LERCO, INC., a Nevada Corporation

By Delmer W. Wagner President  
Delmer W. Wagner

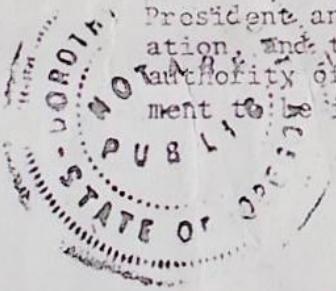
By Evelyn M. Wagner Secretary  
Evelyn M. Wagner

STATE OF OREGON )  
County of Jackson )

ss.

January 11, 1977

Personally appeared DELMER W. WAGNER and EVELYN M. WAGNER, 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 LERCO, INC., a Nevada Corporation, and that said instrument was signed 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:

Barbara J. McDuck  
Notary Public for Oregon  
My Commission Expires: 5-18-80

Address For Mailing Tax Statements:

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

FEDERAL LAND BANK ASSOCIATION OF REDMOND

P. O. BOX 577 742 S.W. FOREST. AVE. REDMOND, OREGON 97756

TELEPHONE: 548-2541

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SEP 12 1979

WATER RESOURCES DEPT.  
SALEM, OREGON



NEAL ELLIOTT, MANAGER

June 29, 1979

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NOV 19 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

Central Oregon Irrigation Dist.  
P. O. Box 548  
Redmond, OR 97756

Gentlemen:

We have no objections to releasing 15 acres of water rights from Morgan Smith's property as covered under our mortgage described in the attached legal description.

Very truly yours,  
*Neal Elliott*  
Neal Elliott, *ly*  
Manager

NE:ky



SERVING DESCHUTES, HARNEY, GRANT, CROOK, & JEFFERSON COUNTIES  
AND SOUTH PART OF WHEELER COUNTY

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WATER RESOURCES DEPT  
SALEM, OREGON

TOWNSHIP 14 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN

Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$

Except the East 165 feet and also except that portion lying  
within the right of way of Lower Bridge Market Road. ✓

JUN 13 1977

*mch*

*W E*

Central Oregon Irrigation District  
 Name and Telephone Address  
 Continues Appropriator

Name and Telephone Address Continues Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Leslie Dickson			29.0		T-4332		29.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Everett Kuhn			56.0				30.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 26.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Otto Mitchell			54.0		T-4332 A P 1-5		37.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 17.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Max Schlemmer			45.0				28.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 16.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Herbert Inel			31.0		38 A. Tr. S. P. V. 23, 15		31.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Wesley McLain			28.0				28.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 20, T. 14 S., R. 13 E., W.M.
Jerry Cave			33.0				7.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 26.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M. Said water right is appurtenant to the property more
				explicitly described as follows: That part of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ described as beginning at the NE corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ and running thence southerly along the subdivision line to the SE corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ , thence westerly along the subdivision line to the top of the lava rim rock, thence northerly along the edge of the rim rock to the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ , thence easterly along the subdivision line to the point of beginning, also all of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ , all in Section 21, T. 14 S., R. 13 E., W.M.			
W. R. Davidson			62.0				19.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 34.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 9.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M. Land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ is located above and west of the lava rim.
W. J. Hall Dist. No. _____ Tr. Sp. Or. v. 14, p. 345			25.0				21.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 4.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M. Said water right being appurtenant to the property more explicitly described as all of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M.
Lewis Clark			47.0				31.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 16.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M. Said water right being appurtenant to the property more explicitly described as all of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 21, T. 14 S., R. 13 E., W.M.

TOWNSHIP 14 S  
 RANGE 13 E  
 W.M. Cord #1  
 SECTION 21

T-4332

SECTION 20 T.14S. R.13E.W.M.  
DESCHUTES COUNTY

1"=400'

dead numbers 900 thru 1300

14 13 20

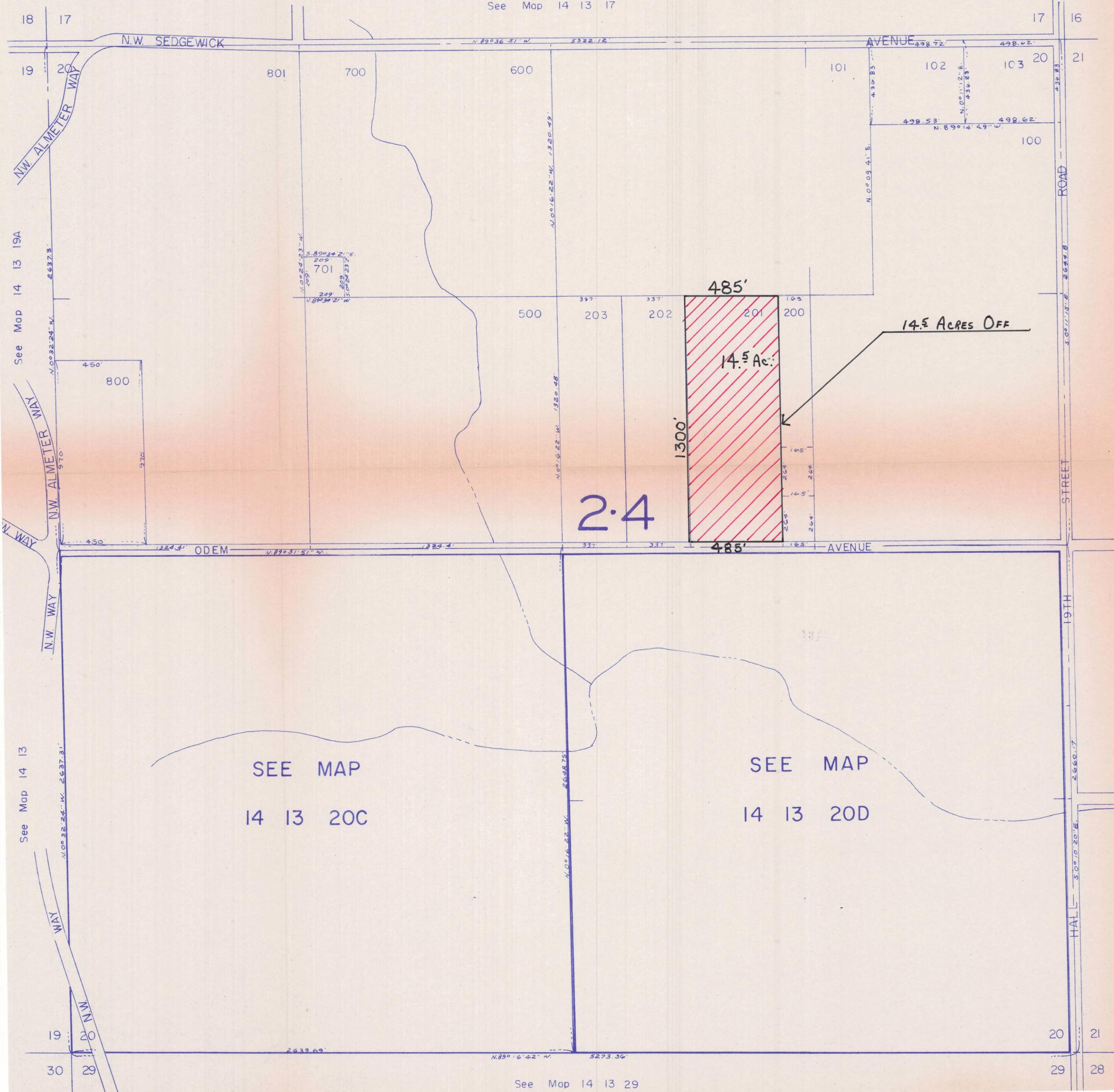
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WATER RESOURCES DEPT  
SALEM, OREGON

T-4332

See Map 14 13 17



2.4

SEE MAP  
14 13 20C

SEE MAP  
14 13 20D

See Map 14 13 29

See Map 14 13 21

Section 28 T.14 S. R.13 E.W.M.

dead numbers 1004

14 13 28

DESCHUTES COUNTY

1" = 400'

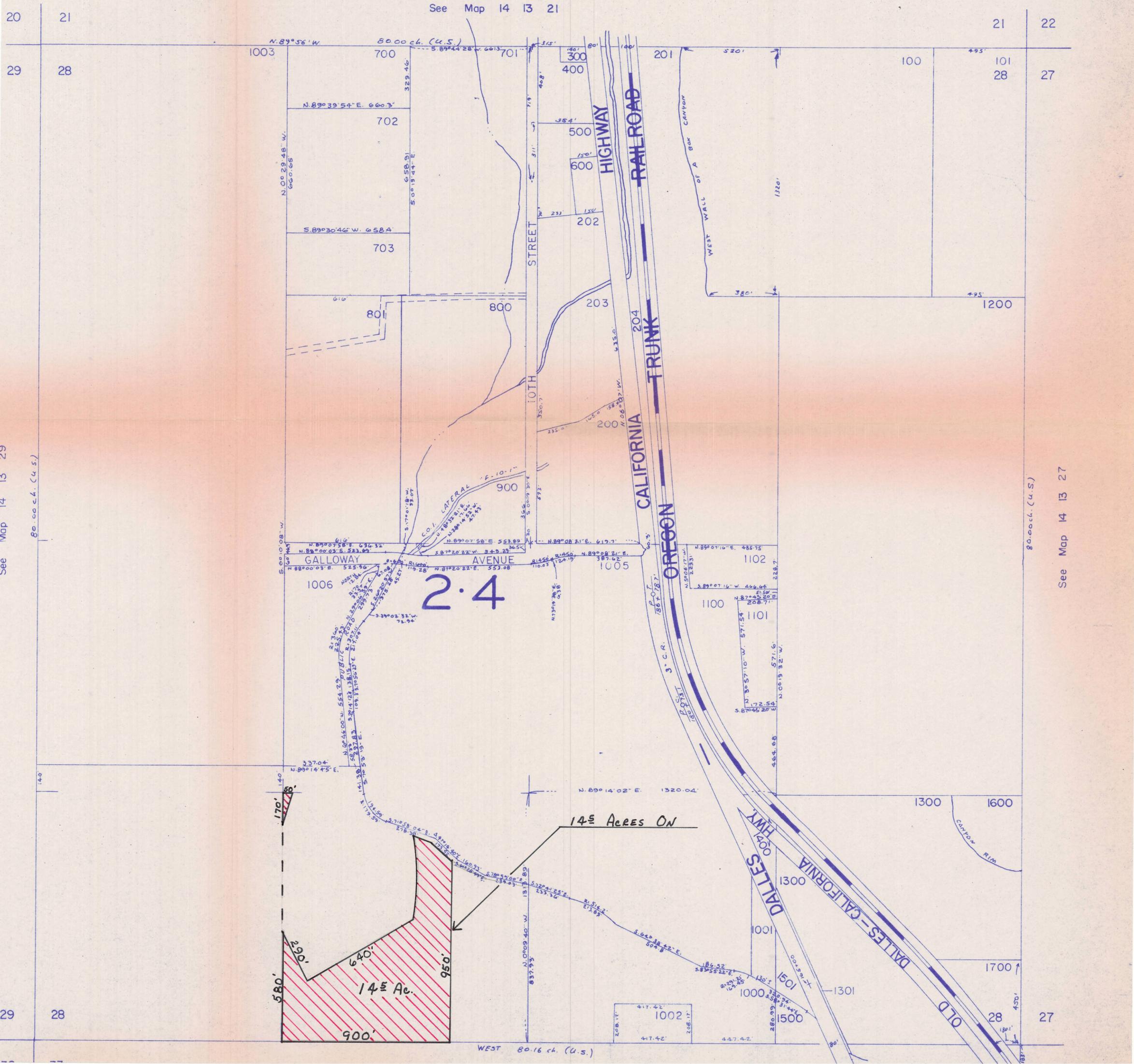
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WATER RESOURCES DIV  
SALEM, OREGON

T-4332

See Map 14 13 21



2.4

14± ACRES ON

14± AC.

80.00 ch. (U.S.)

See Map 14 13 27

WEST 80.16 ch. (U.S.)