

T - 9111

ASSIGNED

Name George Schlegel
 By _____
 Address 35160 Riverside Drive
Albany, OR 97321
541-926-4639

Change in POU
 Date filed 5-2-02
 Date of hearing _____
 Place of hearing _____
 Date of order 3-17-03 Vol. 57, page 200
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

RR: 79962

DESCRIPTION OF WATER RIGHT

Name of stream Horseshoe Lake
 Trib. of Willamette River County of Linn
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 8-29-1969
 In name of George & Louise Schlegel
 _____ Adjudication, Vol. _____, page _____
 App. No. S-46362 Per. No. S-34633 Cert. No. 42198
 Certificate cancelled _____
 Notation made on record by _____

*Cancelled per FD issued for permit G-16944 7/5/2012

REMARKS

NOID
CWRE #209/Jack R. Burrell
Landowner RC: Dennis & Kathy Schlegel / 30680 Horseshoe Dr. SW / Albany, OR 97321
9/8/03 Paul & Elnora Harcombe, 30680 Horseshoe Dr SW, Albany, OR 97321

FEEES PAID

Date	Amount	Receipt No.
<u>5/2/02</u>	<u>200.00</u>	<u>52430</u>
<u>9/8/03</u>	<u>35.00</u>	<u>62690</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **52430**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Schlegel & Son
BY: _____

APPLICATION	
PERMIT	
TRANSFER	17111

CASH: CHECK: # 96/678 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

**RECEIVED
OVER THE COUNTER**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

0427 WRD OPERATING ACCT

6611

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ <u>200.00</u>	0206 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____			

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY) _____			

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

	LIC NUMBER	
0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
HRDRO APPLICATION		\$

RECEIPT # **52430**

DATED: 5/2/12 BY: Connie Vance

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **62690**

INVOICE # _____

RECEIVED FROM: <u>Elnora S. Hascombe</u>	APPLICATION <u>T 7111</u>
BY: _____	PERMIT _____
	TRANSFER _____
CASH: <input type="checkbox"/> CHECK:# _____ OTHER: (IDENTIFY) _____	TOTAL REC'D \$ <u>35.00</u>

0401 TREASURY 0417 WRD MISC CASH ACCT	
0407 COPIES	\$ _____
OTHER: (IDENTIFY) _____	\$ _____
OTHER: (IDENTIFY) _____	\$ _____

0427 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) <u>Assign-Trans</u>	\$ <u>35.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ _____
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE 0202 \$ _____ RECORD FEE \$ _____
0203 GROUND WATER	EXAM FEE 0204 \$ _____ RECORD FEE \$ _____
0205 TRANSFER	EXAM FEE \$ _____
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE 0219 \$ _____ LICENSE FEE \$ _____
LANDOWNER'S PERMIT	0220 \$ _____
OTHER (IDENTIFY) _____	

0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$ _____ CARD # _____
0210 MONITORING WELLS	\$ _____ CARD # _____
OTHER (IDENTIFY) _____	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER	
0233 POWER LICENSE FEE (FWWRD)	\$ _____
0231 HYDRO LICENSE FEE (FWWRD)	\$ _____
HYDRO APPLICATION	\$ _____

TREASURY	OTHER / RDX
FUND _____ TITLE _____	
OBJ. CODE _____ VENDOR # _____	
DESCRIPTION _____	\$ _____

RECEIPT: **62690** DATED: 9/8/03 BY: Corrie Vance

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application #	Permit #	Transfer #
WRD Reviewer <i>Brian Creutzburg</i>	Date	<i>T-9111</i>
WRD Peer Reviewer	Date	<i>2-25-2015</i>

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? No Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- Fish Conditions
- Meter/measuring device
- Water Use Reporting
- Pump Test (post December 19, 1988)
- Other Conditions _____
- SWL
- C-Date _____

Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES: *Cancelled (see attached Final Order)*

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number G-17486

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Application History

On August 29, 2011, Paul A Harcombe submitted an application to the Department for a water use permit. The application materials indicated that in the event a permit is issued for Application G-17486, the applicant would voluntarily cancel the underlying surface-water right evidenced by Transfer T-9111, approved by Special Order Volume 57, Page 200, to act as mitigation for Application G-17486.

The Department issued a Proposed Final Order on April 24, 2012, recommending approval of the application contingent upon the submission of evidence demonstrating compliance with well construction standards for Well 1 (LINN 8433), and permit recording fees in the amount of \$400.00. The protest period closed June 8, 2012, and no protest was filed.

On June 15, 2012, the Department reviewed the Water Supply Well Report for the repaired well (assigned LINN 60183), and determined the well meets construction standards.

On June 15, 2012, the Department received \$400 for permit recording fees.

On June 25, 2012, the Department received a request from the applicant to withdraw the Claim of Beneficial Use for Transfer T-9111, and voluntarily cancel Transfer T-9111.

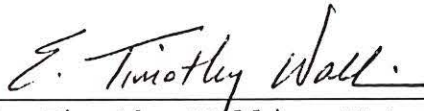
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include the assigned well log number, being LINN 60183, and to more accurately describe the basin, being Horseshoe Lake (T11S, R4W) Basin.

Order

The Claim of Beneficial Use for Transfer T-9111 is withdrawn and Transfer T-9111 is cancelled.

Application G-17486 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-16944 is issued as limited by the conditions set forth therein.

DATED July 5, 2012



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9111 submitted by

GEORGE L. AND LOUISE M. SCHLEGEL
35160 RIVERSIDE DRIVE
ALBANY, OREGON 97321.

The right to be modified, as evidenced by a portion of Certificate 42198, was perfected under Permit 34633 with a date of priority of AUGUST 29, 1969. The right allows the use of HORSESHOE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, AS PROJECTED WITHIN J. MOORE DLC 59, SECTION 22, T 11 S, R 4 W, W.M.; 2050 FEET SOUTH AND 1480 FEET WEST FROM THE NW CORNER OF W. MOORE DLC 60, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 ACRES
BOTH AS PROJECTED WITHIN J. MOORE DLC 59
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES
AS PROJECTED WITHIN J. MOORE DLC 59
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

The receiving landowners are:

Dennis and Kathy Schlegel
30680 Horseshoe Drive SW
Albany, Oregon 97321

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 42198 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAR 17 2003.



Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE L. AND LOUIS M. SCHLEGEL
35160 RIVERSIDE DRIVE
ALBANY, OREGON 97321

confirms the right to use the waters of HORSESHOE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 29.9 ACRES.

This right was perfected under Permit 34633. The date of priority is AUGUST 29, 1969. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN J. MOORE DLC 59, SECTION 22, T 11 S, R 4 W, W.M.; 2050 FEET SOUTH AND 1480 FEET WEST FROM THE NW CORNER OF W. MOORE DLC 60.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.6 ACRES
ALL AS PROJECTED WITHIN J. MOORE DLC 59
SECTION 22
TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 42198, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 17 2003, approving Transfer Application 9111.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources
Director, affixed MAR 17 2003.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79962.

COPY

Map of Beneficial Use

under

Permit T-9111

in name of

PAUL HARCOMBE
30680 Horseshoe Dr. SW
Albany, OR 97321

RECEIVED

AUG 18 2003

**WATER RESOURCES DEPT.
SALEM, OREGON**

Date of Site Inspection: August 12, 2003

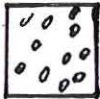
Date of Map: August 14, 2003

Tax Lot: 800 (11-4W-22)

Source: Horseshoe Lake, a tributary of the Willamette River
and the Willamette
River Basin Project Reservoir

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENCE NO.209, HAVE PREPEARED THIS MAP FOR PAUL HARCOMBE ON THIS 14TH DAY OF AUGUST, 2003. THE AREAS HATCHED REPRESENT THE LAND'S BEING IRRIGATED UNDER THIS PERMIT.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DEMESIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



NEW PLACE OF USE



AREA BEING TRANSFERRED



EXISTING WATER RIGHT CERTIFICATE #42198
AND RE-ISSUED AS #79962



RENEWAL DATE 12/31/03



ENGINEERING, INC.
213 N.W. HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

J. MOORE
D.L.C. 59

COPY

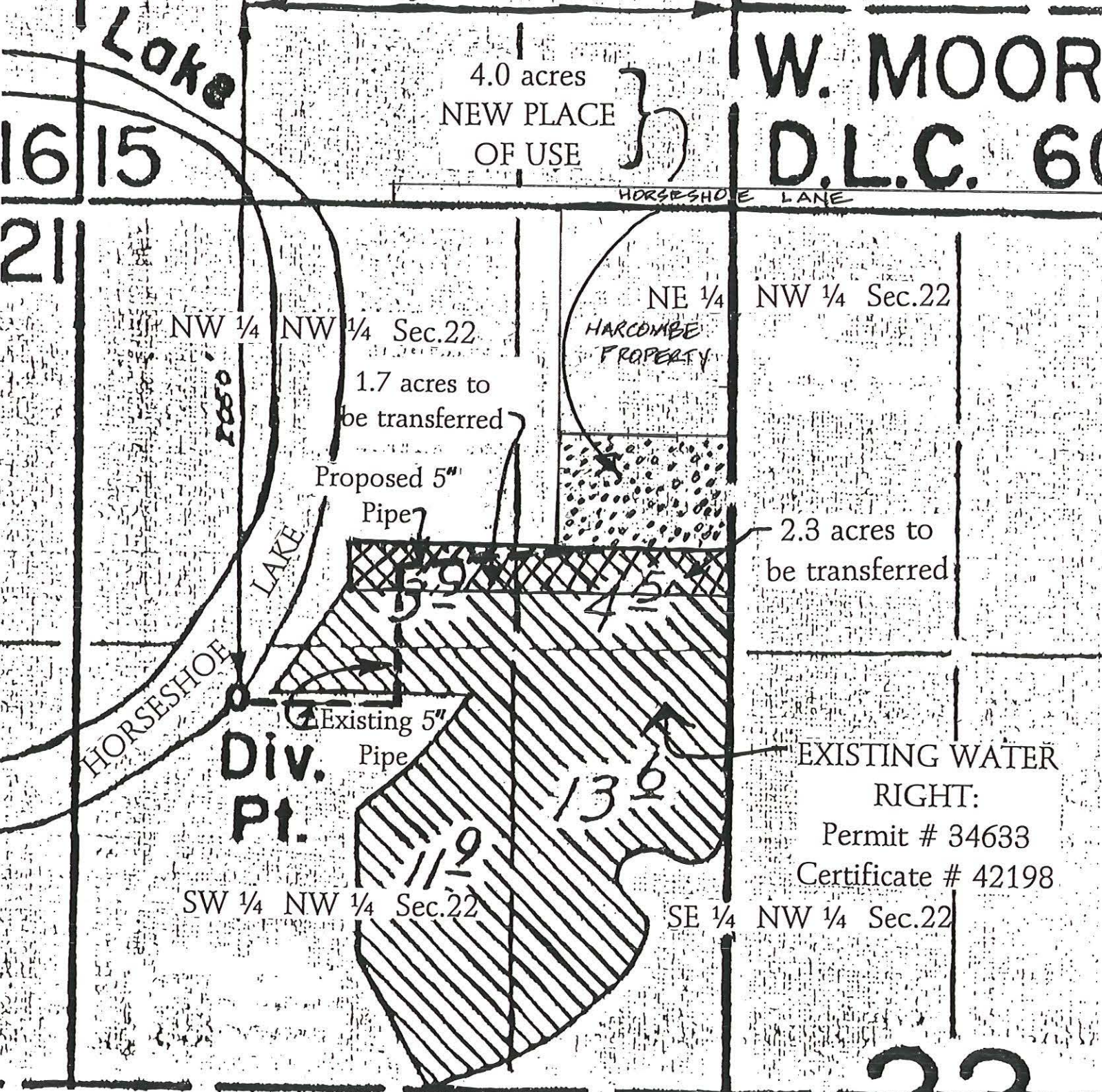
Scale:
1" = 400'

RECEIVED
AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

D.L.C. 58

W. MOORE
D.L.C. 60



16 15

21

1480'

HORSESHOE LANE

NW 1/4 NW 1/4 Sec.22

NE 1/4 NW 1/4 Sec.22

1.7 acres to be transferred

HARCOMBE PROPERTY

Proposed 5" Pipe

2.3 acres to be transferred

Existing 5" Pipe

EXISTING WATER RIGHT:

Permit # 34633

Certificate # 42198

SW 1/4 NW 1/4 Sec.22

SE 1/4 NW 1/4 Sec.22

22

CLAIM OF BENEFICIAL USE
AND SITE REPORT

for

PAUL HARCOMBE

August 14, 2003

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

1. INFORMATION

A. Permitted Land Owner:

- 1) Permit for T-9111 is in the name of Dennis & Kathy Schlegel.
- 2) The receiving land owner is Paul Harcombe. Dennis Schlegel sold land to P.A. Harcombe who now owns the land being irrigated. The conveyance is recorded in MF Vol. 1290, Page 82 of the Linn County Deed Records on May 3, 2003 and is attached hereto as Attachment "A".
- 3) The owner of the land from which the place of use is being transferred is George & Louise Schlegel. The Schlegel's were conveyed the property by deed recorded in Book 328, Page 369 of the Linn County Deed Records (attached as Attachment "B").
- 4) George Schlegel granted Easement for Access and Easement for Pipeline per Attachment "C" and Attachment "D", respectively and attached hereto.

B. Persons Talked to During Site Inspection:

Paul Harcombe (owner of land being irrigated)

C. Site Inspection conducted by Jack Burrell on August 12, 2003.

D. Application No. T-9111 that allowed irrigation place of use to be changed under Certificate No. 42198 (Permit No. 34633) issued on August 29, 1969.

2. SOURCE: Horseshoe Lake, a tributary of the Willamette River.

3. PURPOSE OF USE: Pasture irrigation of 4.0 acres.

4. RATE/VOLUME

I determined that 4.0 acres are being irrigated.

1/80th cfs per acre irrigated is the allowed rate. Rate = 4/80 = .05 cfs = 22.4 gpm

2.5 acre-feet per acre irrigated is the allowed volume. Volume = 10 acre-feet

5. PERIOD OF ALLOWED USE: Irrigation season (March 1st to October 31st)

6. DIVERSION POINT

[Tie based upon Linn county aerial photography from G.I.S. Department.]

The POD is located as follows:

SW ¼ NW 1/4 , as projected within J. Moore DLC 59, Section 22, T 11 S, R 4 W,
W.M.; 2050 feet south and 1480 feet west from the NW corner of W. Moore DLC 60.

7. PLACE OF USE IS LOCATED AS FOLLOWS

[Area under irrigation based upon aerial photography dated 1996 from G.I.S. Department in Linn County]

NE ¼ NW ¼ 4.0 Acres as projected within J. Moore DLC 59 Section 22
Township 11 South, Range 4 West, W.M.

8. MOTOR

Motor & Pump rented from Sunbelt Rentals located at 34030 Excor Rd, Albany, OR 97321

Brand: Honda Multiquip

Size: 5.5 hp

Frame: Gas motor Model # QP-205SHC Cat-Class 043-0220

Power: Gas powered portable pump

9. PUMP

Type: Multiquip

Brand: Honda

Style: Centrifugal

Intake orifice is 2" diameter

Outflow orifice is 1-1/2" diameter

10. PIPE

A. Approximately 50 lineal feet of 2" diameter flexible hose from pump to upper bank.

B1. Approximately 950 lineal feet of underground mainline (all 5" diameter) located in the pipeline easement per Attachment "D".

B2. Alternatively, approximately 900 lineal feet of 4" diameter aluminum pipe laid on surface to reach southwest corner of Harcombe property.

C. 250' of 3" aluminum pipe.

D. Irrigation line is 3" diameter aluminum with 5 sprinklers (approximately 500 lineal feet).

11. HEADS - The system contains five (5) Rain Bird (Model 30-E) sprinkler heads at an operating pressure of approximately 45 psi. Orifice diameter is 3/16". Spray Radius is approximately 30 feet.

12. LIFT

(Based on USGS Quad Map. Elevations are to nearest 5^o)

Water Surface Elevation: 185^o

Pumping Level Elevation: 190^o

Average Elevation of Irrigated Field: 210^o

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AUG 18 2003

**WATER RESOURCES DEPT.
SALEM, OREGON**

13. SURVEY TIE AND METHOD OF SURVEY

Linn County Assessor Map & County GIS Data Base.

14. SPECIAL CONDITIONS LISTED ON PERMIT

- A. The proposed change shall be completed on or before October 1, 2004.
- B. The former Place of Use shall no longer be irrigated as a part of this water right.

15. STATEMENT OF COMPLIANCE TO CONDITIONS

- A. Work completed on August 12, 2003.
- B. Former Place of Use for the 4.0 acres is no longer being irrigated. Original water right was changed by Certificate # 79962.

16. HYDRAULIC CALCULATION FOR FINAL PROOF

A. Given Data:

Permit issued for the use of up to 10 acre ft from a well for irrigation of 4.0 acres.

Duty of Water = $1/80^{\text{th}}$ cfs per acre

Acres Allowed as Irrigated = 4.0

Operating Pressure = approximately 45 psi

Pressure Head = $(45 \text{ psi} \div 0.4333) = \underline{105}$

Pump = 5.5 H.P.

Sprinkler Heads: Maximum in Operation – 5 with 3/16” orifice.

Head Capacity: 6.8 gpm per head (using published data)

B. Theoretical Flow of Pump:

$$\frac{QPump \cdot \text{eff} \cdot xHP}{6} = \frac{6.6 \times 5.5}{5 + 20 + 105} = \frac{36.3}{130} = 0.279 \text{ cfs} = 125 \text{ gpm}$$

Where efficiency = 6.60 for 75% efficiency (Centrifugal)

C. Theoretical Flow of Distribution System:

1) $5 \times 6.8 \text{ gpm} = 34 \text{ gpm}$

D. Theoretical System Capacity:

The theoretical capacity of the system is the lessor of the above, which is 34 gpm based upon the distribution system.

E. Duty:

(The duty allows $1/80^{\text{th}}$ cfs per acre)

$(4) \times (1/80) = 0.05 \text{ cfs} = 22.4 \text{ gpm}$

RECEIVED

AUG 18 2003

**WATER RESOURCES DEPT.
SALEM, OREGON**

Harcombe Water Right
T-9111 (K&D Project # 02-42-A)
Page 3 of 4

F. Conclusion:

Even though the distribution system is capable of supplying more flow, the water right cannot exceed the allowed duty. Therefore the duty rate for the permit is 22.4 gpm.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. T-9111 was completed by me on August 14, 2003 and the facts contained in this report and accompany this report and accompanying report are correct to the best of my knowledge.



I, Paul A. Harcombe, agree to the findings of the CWRE and submit this site report and map as the Claim of Beneficial Use of the water, as provided under the terms and conditions of Permit No. T-9111.

P.A. Harcombe

Paul A. Harcombe
Receiving land owner

8/14/03

Date

RECEIVED
AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

File Ref: nlm/my documents/water-right/02-42-A site report

Harcombe Water Right
T-9111 (K&D Project # 02-42-A)
Page 4 of 4

K & D ENGINEERING, Inc.

STATE OF OREGON
COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GEORGE L. & LOUISE M. SCHLEGEL**
97321
of **4822 Riverside Drive SW, Albany**, State of **Oregon**, has made proof
to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of
Horseshoe Lake

a tributary of **Willamette River** for the purpose of
irrigation of **33.9 acres**

under Permit No. **34633** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **August 29, 1969**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.42 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **J. Moore DLC 59**,
Section 22, T. 11 S., R. 4 W., W. M., 2050 feet South and 1480 feet West from
NW Corner, W. Moore DLC 60.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during
the irrigation season of each year;

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

4.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
11.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
13.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

All as projected within **Moore DLC 59**
Section 22
T. 11 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed
this date. **May 23, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **42198**

STATE OF OREGON
 COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GEORGE L. & LOUISE M. SCHLEGEL**
 97321
 of **4822 Riverside Drive SW, Albany**, State of **Oregon**, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Horseshoe Lake

a tributary of **Willamette River** for the purpose of
irrigation of 33.9 acres

under Permit No. **34633** of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from **August 29, 1969**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.42 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **J. Moore DLC 59,**
Section 22, T. 11 S., R. 4 W., W. M., 2050 feet South and 1480 feet West from
NW Corner, W. Moore DLC 60.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
 per acre, or its equivalent for each acre irrigated and shall be further limited to
 a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during
 the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
 appurtenant, is as follows:

	T	RR
4.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.3	2.2
3.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.7	2.2
11.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$		11.9
13.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$		13.6
All as projected within Moore DLC 59	4.0	29.9
Section 22		
T. 11 S., R. 4 W., W. M.	0.05 cfs	0.37 cfs

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **May 23, 1975**

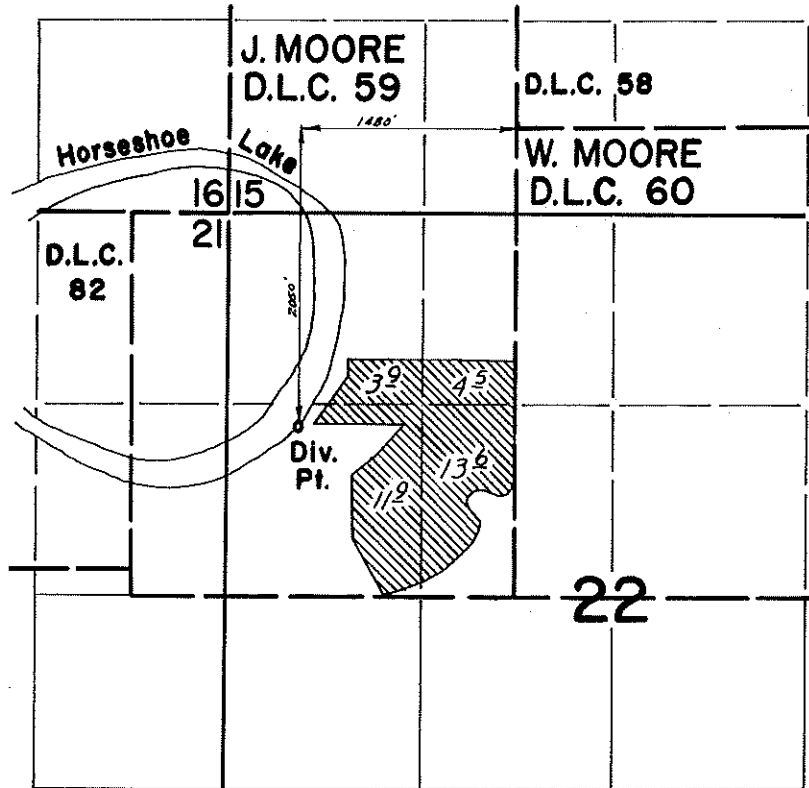
Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **42198**

T-9111 A Pou

T.11S., R.4W., W.M.



FINAL PROOF SURVEY UNDER

Application No. 46362 Permit No. 34633
IN NAME OF

GEORGE L. AND LOUISE M. SCHLEGEL

Surveyed Oct. 1, 1973, by D. Norby



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Me DATE: _____
FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM: X WATERMASTER, DISTRICT # 2
GROUNDWATER SECTION

(SIGNATURE) [Signature]
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 9111

A change in: POU POD POA USE of water.

In the name(s) of Schlegel

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and 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 judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 15, 2003

Paul A. and Elnora S. Harcombe
30680 Horseshoe Dr. SW.
Albany, Oregon 97321

Reference: Transfer T-9111

The assignment by deed from George Schlegel to Paul A. Harcombe and Elnora S. Harcombe has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 62960 covering the recording fee of \$35.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 62960

cc: Watermaster 2
George Schlegel
Data Center, OWRD
Mary Rohling
File

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE)

PAUL A. HARCOTBE AND ELNORA S. HARCOTBE

(Name of Party Requesting Assignment)

30680 HORSESHOE DR SW
(mailing address)

ALBANY
(City)

OR 97321
(State) (Zip)

(Phone #)

CHECK ONE

...hereby request assignment in and to application/permit;

...hereby request assignment in and to a **portion** of application/permit;
(You must include a map showing the portion of the application/permit to be assigned.)

...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
(Remember to include \$5 for **each additional page**.)

Application # TRANSFER 9111 , Permit # _____ ;

-OR-

GR Statement # _____ , GR Certificate of Registration # _____

DENNIS AND KATH SCHLEGEL

(Name of Permit Holder of Record)

(mailing address)

(City)

OR
(State) (Zip)

(Phone #)

NOTE: If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 31 day of August, 2003.

Party Requesting Assignment Paul A. Harcombe

Party Requesting Assignment Elnora S. Harcombe

*OK #888888
BY DENNIS
9/08/2003*

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 62960
- For Director by Jerry Sauter, Program Analyst in Water Rights Division *[Signature]*

- ◆ \$25 for the first page, and
- ◆ \$5 for **each additional page**.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 15, 2003

Paul A. and Elnora S. Harcombe
30680 Horseshoe Dr. SW.
Albany, Oregon 97321

Reference: Transfer T-9111

The assignment by deed from George Schlegel to Paul A. Harcombe and Elnora S. Harcombe has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 62960 covering the recording fee of \$35.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 62960

cc: Watermaster 2
George Schlegel
Data Center, OWRD
Mary Rohling
File



After Recording, Return to:
Paul and Elnora Harcombe
4617 Willow Street
Bellaire TX 77401

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

RECEIVED
SEP 08 2003
WATER RESOURCES DEPT
SALEM, OREGON
(Above Space Reserved for Recorder's Use)

STATUTORY WARRANTY DEED
(Individual)

Dennis L. Schlegel and Kathy L. Schlegel

conveys and warrants to
Paul A. Harcombe and Elnora S. Harcombe, Husband and Wife

the following described real property in the State of Oregon and County of Linn
free of encumbrances, except as specifically set forth herein:
(Continued)

SEE ATTACHED EXHIBIT A

RECEIVED
AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

5093351
AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO.
OREGON TITLE INS. CO.

Tax Account Number(s): 149324

This property is free of encumbrances, EXCEPT:
AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$248,160.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY
OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAW-
SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

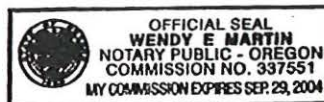
DATED this 22nd day of April, 2002.

Dennis L. Schlegel

Kathy L. Schlegel

STATE OF OREGON, COUNTY OF MARION) ss.
The foregoing instrument was acknowledged before me this 22nd day of April, 2002, by
Dennis L. Schlegel and Kathy L. Schlegel.

Wendy E. Martin
Notary Public for Oregon
My Commission Expires: 9-29-04



Order No.: 5093351

RECEIVED

SEP 08 2003

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Vol 1290 PAGE 83

EXHIBIT A

The part of the John Moore Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East line of said claim; thence West along said section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the aboved described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more fully described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 feet to the place of beginning.

SUBJECT TO:

As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

Account No. : 149324

The subject property lies within the boundaries of the Linn Soil and Water District and is subject to the levies and assessments thereof.

An easement created by instrument, including the terms and provisions thereof,

Dated : May 29, 1950
Recorded : June 28, 1950 in Volume 215, Page 640
In favor of : Mountain States Power Company
For : Electric powerline, telephone or aerial cable line

STATE OF OREGON
County of Linn
I hereby certify that the attached
was received and duly recorded
by me in Linn County records.
STEVE DRUCKENMILLER
Linn County Clerk
By *[Signature]*, Deputy

M
120
27
04

21
2002 MAY -3 P 1:54

MF 1290

PAGE 82



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

March 18, 2003

George & Louise Schlegel
35160 Riverside Drive
Albany, Oregon 97321

REFERENCE: File T-9111

Enclosed is a copy of the order approving your water right transfer application T-9111.

A time to complete the transfer is given in the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

 BERNADETTE WILLIAMS
Transfer Program Coordinator

BW:sh

Enclosures

cc: Michael Mattick, Watermaster
Jack R. Burrell, CWRE
Dennis & Kathy Schlegel, Landowner

STATE OF OREGON
 COUNTY OF LINN
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE L. AND LOUIS M. SCHLEGEL
 35160 RIVERSIDE DRIVE
 ALBANY, OREGON 97321

confirms the right to use the waters of HORSESHOE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 29.9 ACRES.

This right was perfected under Permit 34633. The date of priority is AUGUST 29, 1969. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN J. MOORE DLC 59, SECTION 22, T 11 S, R 4 W, W.M.; 2050 FEET SOUTH AND 1480 FEET WEST FROM THE NW CORNER OF W. MOORE DLC 60.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.2 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.9 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.6 ACRES

ALL AS PROJECTED WITHIN J. MOORE DLC 59
 SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 42198, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 17 2003, approving Transfer Application 9111.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MAR 17 2003.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79962.

Certificate 42198 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAR 17 2003.


Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9111 submitted by

GEORGE L. AND LOUISE M. SCHLEGEL
35160 RIVERSIDE DRIVE
ALBANY, OREGON 97321.

The right to be modified, as evidenced by a portion of Certificate 42198, was perfected under Permit 34633 with a date of priority of AUGUST 29, 1969. The right allows the use of HORSESHOE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, AS PROJECTED WITHIN J. MOORE DLC 59, SECTION 22, T 11 S, R 4 W, W.M.; 2050 FEET SOUTH AND 1480 FEET WEST FROM THE NW CORNER OF W. MOORE DLC 60, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 ACRES
BOTH AS PROJECTED WITHIN J. MOORE DLC 59
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES
AS PROJECTED WITHIN J. MOORE DLC 59
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

The receiving landowners are:

Dennis and Kathy Schlegel
30680 Horseshoe Drive SW
Albany, Oregon 97321

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The former place of use shall no longer be irrigated as a part of this water right.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

August 22, 2003

Paul A. and Elnora S. Harcombe
30680 Horseshoe Dr. SW
Albany, OR 97321

Reference: Transfer No. T-9111 - Dennis and Kath Schlegel

Dear Mr. and Mrs. Harcombe:

On August 18, 2003, the Department receive a claim of beneficial use and site report prepared by Mr. Burrell.

Our records reflect the Schlegel's as the holders of the transfer application referenced above. I am enclosing a request for assignment, if you wish to request an assignment of the file into your names.

The form will need to be signed and sent to this office for recording, along with the recording fees in the amount of \$35.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown
Program Analyst
Certificate Section

enclosure

c: Mr. Burrell, CWRE

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE)

PAUL A. HARCOTBE AND ELNORA S. HARCOTBE
(Name of Party Requesting Assignment)

30680 HORSESHOE DR SW ALBANY OR 97321
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ...hereby request assignment in and to application/permit;
- ...hereby request assignment in and to a **portion** of application/permit;
(You must include a map showing the portion of the application/permit to be assigned.)
- ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
(Remember to include \$5 for **each additional page**.)

Application # TRANSFER 9111, Permit # _____;
-OR-

GR Statement # _____, GR Certificate of Registration # _____

DENNIS AND KATH SCHLEGEL
(Name of Permit Holder of Record)

_____ OR _____
(mailing address) (City) (State) (Zip) (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

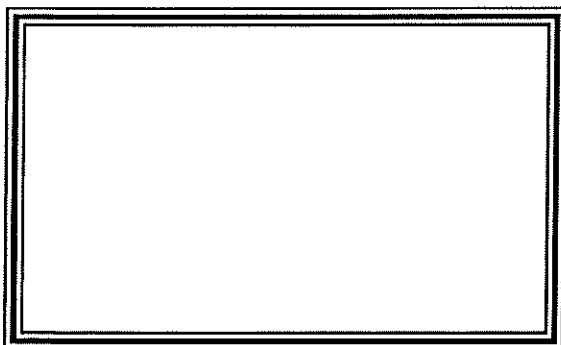
I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this _____ day of _____, 20_____.

Party Requesting Assignment _____

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for **each additional page**.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172



After Recording, Return to:
Paul and Elnora Harcombe
4617 Willow Street
Bellaire TX 77401

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

STATUTORY WARRANTY DEED
(Individual)

(Above Space Reserved for Recorder's Use)

Dennis L. Schlegel and Kathy L. Schlegel

conveys and warrants to
Paul A. Harcombe and Elnora S. Harcombe, Husband and Wife

the following described real property in the State of Oregon and County of Linn free of encumbrances, except as specifically set forth herein:
(Continued)

SEE ATTACHED EXHIBIT A

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

11-40-22/800
AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO.
OREGON TITLE INS. CO. 5093351

Tax Account Number(s): 149324

This property is free of encumbrances, EXCEPT AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$248,160.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 22nd day of April, 2002.

Dennis L. Schlegel
Dennis L. Schlegel

Kathy L. Schlegel
Kathy L. Schlegel

STATE OF OREGON, COUNTY OF MARION)ss.
The foregoing instrument was acknowledged before me this 22nd day of April, 2002, by Dennis L. Schlegel and Kathy L. Schlegel.

Wendy C. Martin
Notary Public for Oregon
My Commission Expires: 9-29-04



Order No.: 5093351

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

VOL 1290 PAGE 83

EXHIBIT A

The part of the John Moore Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East line of said claim; thence West along said section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the aboved described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more fully described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 feet to the place of beginning.

SUBJECT TO:

As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
Account No. : 149324

The subject property lies within the boundaries of the Linn Soil and Water District and is subject to the levies and assessments thereof.

An easement created by instrument, including the terms and provisions thereof,

Dated : May 29, 1950
Recorded : June 28, 1950 in Volume 215, Page 640
In favor of : Mountain States Power Company
For : Electric powerline, telephone or aerial cable line

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk MF 1290

By *JD*, Deputy PAGE 82

31
2002 MAY -3 P 1:54

K & D ENGINEERING, INC.
 276 N.W. Hickory Street • P.O. Box 725
 Albany, OR 97321

LETTER OF TRANSMITTAL

Phone: (541) 928-2583
 FAX: (541) 967-3458

TO Water Resources Dept
158 12th St. NE
Salem, OR 97310

DATE	Aug 15, 2003	JOB NO.	02-42-A
ATTENTION			
RE:	Marcombe / Schlegel Water Rt. T-9111		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
	8/14/03		Claim of Beneficial Use Report (with 4 attachments)
	8/14/03		Mylar Final Proof Map

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

RECEIVED
 AUG 18 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON

COPY TO Paul Harcombe

SIGNED: Jack Burrell



After Recording, Return to:
Paul and Elnora Harcombe
4617 Willow Street
Bellaire TX 77401

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

STATUTORY WARRANTY DEED
(Individual)

(Above Space Reserved for Recorder's Use)

Dennis L. Schlegel and Kathy L. Schlegel

conveys and warrants to
Paul A. Harcombe and Elnora S. Harcombe, Husband And Wife

the following described real property in the State of Oregon and County of Linn
free of encumbrances, except as specifically set forth herein:
(Continued)

SEE ATTACHED EXHIBIT A

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO.
OREGON TITLE INS. CO. 5093351

Tax Account Number(s): 149324

This property is free of encumbrances, EXCEPT:
AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$248,160.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY
OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAW-
SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 22nd day of April, 2002.

Dennis L. Schlegel

Kathy L. Schlegel

STATE OF OREGON, COUNTY OF MARION)ss.

The foregoing instrument was acknowledged before me this 22nd day of April, 2002, by
Dennis L. Schlegel and Kathy L. Schlegel.

Wendy C. Martin
Notary Public for Oregon
My Commission Expires: 9-29-04



Order No.: 5093351

Attachment "A"

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

VOL 1290 PAGE 83

EXHIBIT A

The part of the John Moore Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East line of said claim; thence West along said section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the aboved described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more fully described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 feet to the place of beginning.

SUBJECT TO:

As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

Account No. : 149324

The subject property lies within the boundaries of the Linn Soil and Water District and is subject to the levies and assessments thereof.

An easement created by instrument, including the terms and provisions thereof,

Dated : May 29, 1950
Recorded : June 28, 1950 in Volume 215, Page 640
In favor of : Mountain States Power Company
For : Electric powerline, telephone or aerial cable line

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MP 1290

By *[Signature]*, Deputy PAGE 82

31
2002 MAY -3 P 1:54

Gift Indenture Between **OREN E. GILBERT**, husband and wife and **LOUISE M. SCHLEGEL**, husband and wife, all that real property situated in **Linn** County, State of Oregon, described as

Beginning at a point which is 8 chains East of the Southwest corner of the Donation Land Claim of John Moore, Met. No. 1789 and Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence North 16.25 chains; thence North 24° 30' East 14.70 chains; thence East 20.12 chains; thence South 25 chains; thence South 73° West 6.75 chains; thence West 26 chains; thence North 2.50 chains to the place of beginning; except any portion thereof South of the center line of the Corvallis-Albany County Road;

Subject to assessments of record;

RECEIVED

AUG 18 2003

**WATER RESOURCES DEPT.
SALEM, OREGON**

The true and actual consideration for this transfer is \$42,000.00;

and covenantal that grantor is the owner of the above described property free of all encumbrances and with warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

Dated this 12 day of January 1968.

(seal) Oren E. Gilbert (seal)
(seal) Helen S. Gilbert (seal)

STATE OF OREGON } as
County of Linn } January 12, 1968

Personally appeared the above-named OREN E. GILBERT and HELEN S. GILBERT, his wife

and acknowledged the foregoing instrument to be their voluntary act

Before me: John A. Roach
Notary Public for Oregon

My Commission expires 5/26/70

Witness my hand and seal of County aforesaid.
Notary Public for Oregon
John A. Roach
5/26/70

STATE OF OREGON
County of Linn
I certify that the within instrument was received by record on the 12 day of January A.D. 1968 at 3:15 o'clock P.M. and recorded in 315 on page 205 Record of Deeds of said County

Witness my hand and seal of County aforesaid.
Notary Public for Oregon
John A. Roach
5/26/70

STATE OF OREGON
County of Linn
I certify that the within instrument was received by record on the 12 day of January A.D. 1968 at 3:15 o'clock P.M. and recorded in 315 on page 205 Record of Deeds of said County

STATE OF OREGON
County of Linn
I certify that the within instrument was received by record on the 12 day of January A.D. 1968 at 3:15 o'clock P.M. and recorded in 315 on page 205 Record of Deeds of said County

OREN E. GILBERT
ET UX.
TO
GEORGE L. SCHLEGEL
ET UX.

Merritt Bred
277151

Attachment "B"



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

May 19, 2003

Kathy Larsen
460 2nd, Street
Jefferson, Oregon 97352

Regarding: Water Right Transfer 9111

On May 6, 2003, the Water Resources Department received a letter from Dennis Schlegel. This letter stated that any further information concerning the water right transfer application T-9111 and any time limit for Transfer T-9111 should be sent to Kathy Larsen. In order for this to happen, a Request for Assignment of Transfer Form must be filled out.

Enclosed is a Request for Assignment of Transfer Form. This form should be used when the water right transfer holder of the place where the water is used, sells or otherwise conveys the place where water is used to someone else. This form will need to be filled out and signed by the owner(s) of the property described in the application. A copy of the deed(s), divorce decree or a signed statement giving the lands to new owner should be included if the transfer applicant cannot sign the assignment over to new owner. The completed assignment form must be submitted to the Water Resources Department together with a recording fee of \$25.00, additional pages will cost \$5.00 per page.

If you have any questions, please call the transfer section at 503-378-8455 or Jerry Sauter at ext. 274 in the Water Right Section.

Sincerely,

Sarah Henderson
Executive Support

Cc: George Schlegel, Transfer Applicant
Dennis L. Schlegel, Landowner

35160 Riverside Dr.
Albany Or 97321

Water Resources Department
158 12th St.
Salem, Or 97301-4172

To whom it may concern:

In regards to Reference File T-9111, please send any further information concerning the water right transfer and time limit to:

Kathy Larsen
460 2nd St.
Jefferson, Or 97352

At the time of the land sale with the water rights work, Kathy and I were still married. We have since divorced and she has received all the monies from the land sale. It is a long story and I wish to put this chapter of my life to bed.

Thank you

Dennis L. Schlegel



X-Sender: williabn@mailhub.wrd.state.or.us
 X-Mailer: QUALCOMM Windows Eudora Version 5.2.0.9
 Date: Mon, 28 Apr 2003 07:45:54 -0700
 To: Sarah.A.HENDERSON@wrd.state.or.us
 From: Bernadette Williams <Bernadette.N.WILLIAMS@wrd.state.or.us>
 Subject: Information Request - T-9111
 X-Security: MIME headers sanitized on funnel
 See <http://www.impsec.org/email-tools/sanitizer-intro.html>
 for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

Hi Sarah,

Would you please call **Dennis Schlegel** at **541-981-5260**. He has request a letter from the file of **T-9111** but didn't indicate which letter (final order? deficiency?). Please confirm what he wants and send a copy to him. Thanks!!

Bernie

His address is:

~~305160~~ Riverside Drive
 Albany, OR 97321

called at - 8:33

35160 Riverside Drive

*- wants a description of what he needs to do.
 copy of orders and letter. he thought he was
 sent a letter addressed to him + wife only. I
 told him, I cc'd him a copy of fathers letter, they
 are doing the transfer. Don't know of another
 letter being sent.*

SH.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

March 14, 2003

To: Paul R. Cleary, Director
From: Kelly Starnes, Water Right Inspector
Subject: Transfer 9111

The applicants are transferring a portion of their water right onto their son's property.

Notice of the transfer was published in the department's weekly public notices and no comments/protests were received.

The Watermaster has said the change could be made without injury to other water rights. The transfer should be approved.

Platcard Report

Township 11S Range 4W Section 22

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC		
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
i	03/10/1945	-	GR142			3.5 IR				14.0 IR														
	06/01/1948					6.0 IR	8.0 IR			6.0 IR			11.5 IR											
i	07/31/1952	-	GR1046		3.0 IR	4.2 IR																		
i	12/31/1948	-	GR2850											5.0 IR	1.0 IR									
i	S32336 05/20/1958	S25529 27300		dlc: 59								21.4 IR												
i	S46362 08/29/1969	S34633 42198		dlc: 59					4.5 IR	3.9 IR	11.9 IR	13.6 IR												
i	S48146 07/07/1971	S35819 -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU			
i	S71570 05/06/1991	S53334 -								3.8 IR														

Page:1

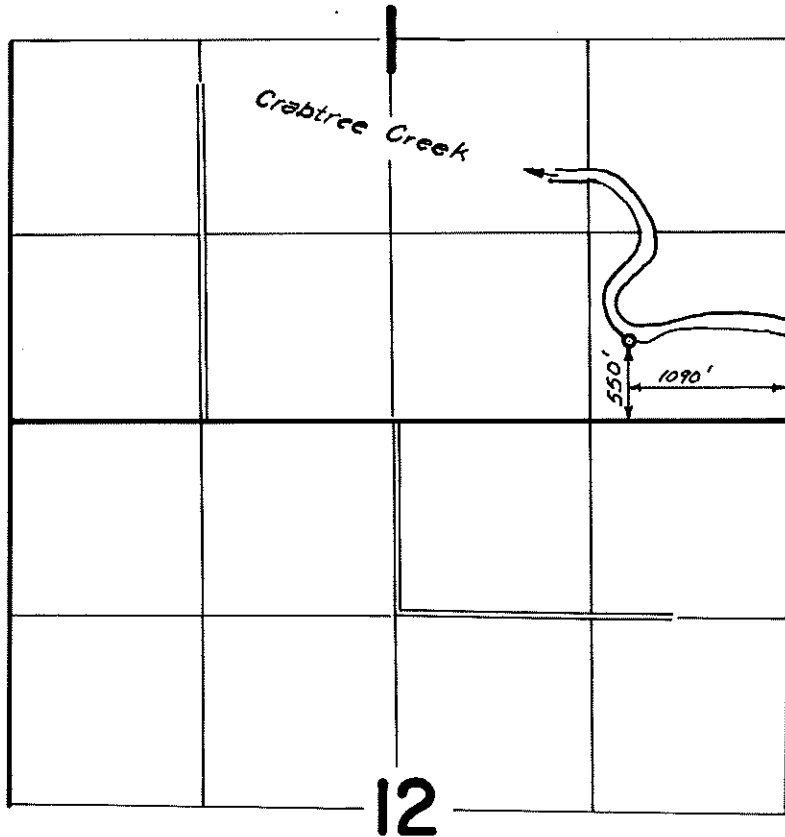
[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 7 seconds

T. 11 S., R. 1 W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2975

Application No. Permit No.

IN NAME OF

Purman & Mary Ann Richey

Surveyed *Aug. 9, 1977*, by *D. Norby*

Surface Area

A SECTION OF LAND—640 ACRES

80 Chains—820 Rods—5280 Feet

18023 ft in line to

40 CHAINS
(2640')

7.92 inches are 1 link.
25 links are 1 rod.
4 rods or 100 links are 1 chain.
A rod is 16 2/3 feet.
A pole is 16 2/3 feet.

(160 ACRES)

A chain is 66 feet or four rods.
A mile is 320 rods, 80 chains or 5,280 feet.
An acre contains 43,560 square feet.
An acre contains 160 square rods.
An acre is 208.7 [plus] feet square.
An acre is 2 rods wide by 20 rods long, or any two numbers [of rods] whose product is 160.
Square feet X .000023 = acres.
Square chains X 0.10 = acres.
40 chains equals 160 rods or 2640 feet.

20 CHAINS
(1320')

Big Letter First

B

(80 ACRES)

C

80 Rods or 1820 Feet

25 3/4

36	31	32	33	34	35	36	31	NW NW (Lot 4) 40 Acres	NE NW (Lot 3) 40 Acres
1	6	5	4	3	2	1	6		
12	7	8	9	10	11	12	7	SW NW (Lot 5) 40 Acres	SE NW
13	18	17	16	15	14	13	18	40 Acres	40 Acres
24	19	20	21	22	23	24	19	NW SW (Lot 6) 40 Acres	NE SW
25	30	29	28	27	26	25	30	40 Acres	40 Acres
36	31	32	33	34	35	36	31	SW SW (Lot 7)	SE SW

County: LINN
Transfer: 9111
Certificate: 42198
Priority Date: 08/29/1969
Name: GEORGE SCHLEGEL
Address: 35160 RIVERSIDE DRIVE; ALBANY, OR 97321
Change: POU
Source: HORSESHOE LAKE
Authorized POU: T11S R4W 22
Proposed POU: T11S R4W 22



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

May 7, 2002

George Schlegel
35160 Riverside Drive
Albany, Oregon 97321

REFERENCE: **Transfer 9111**

On 05-02-2002 we received your water right transfer application requesting a **change in Place of Use** for use of water from **Horseshoe Lake**. The application was accompanied by \$ 200.00. Our receipt 52430 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)378-3739.

cc: Watermaster #2, Michael Mattick
CWRE #209, Jack R. Burrell
Dennis & Kathy Schlegel

enclosure

Oregon Department of Fish and Wildlife
Transfer Comment Form

Reference: Transfer # 9111

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

There does not appear to be a potential for injury to instream or other water rights as a result of the transfer. *The Willamette River is a migratory corridor for listed species.*

We believe that the transfer would injure the instream or other water right(s) on _____, tributary to _____. The nature of the injury is as follows: _____

(Please attach any available supporting information.)

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

RS Caldwell

Signature *Dick Caldwell*

Printed Name *NRSTP*

Title

Please return this form to Kelly Starnes, Water Resources Department, 158 12TH ST NE, SALEM OR 97301-4172 by June 8, 2002.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

May 7, 2002

Wayne Hunt
Oregon Department of Fish and Wildlife
4412 Silverton Road
Salem, OR 97305

Reference: **Transfer # 9111**

Enclosed for your review is a copy of a water right transfer application from **Horseshoe Lake**, tributary of **Willamette River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Salem office

Attention: Kelly Starnes
Water Resources Department
158 12TH ST NE
SALEM OR 97301-4172

by June 8, 2002 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (503)378-3739 ext 309.

Enclosure

cc: Wm # 2, Michael Mattick
Applicant

Gift Indenture Witnessed, That OPEN E. GILBERT, husband and wife SCHEGEL and LOUISE M. SCHEGEL, husband and wife, all that real property situated in Linn County, State of Oregon, described as:

Beginning at a point which is 8 chains East of the Southwest corner of the Donation Land Claim of John Moore, Net. No. 1789 and Claim No. 53, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence North 16.25 chains; thence North 24° 30' East 14.70 chains; thence East 20.12 chains; thence South 25 chains; thence South 73° East 6.75 chains; thence West 26 chains; thence North 2.50 chains to the place of beginning; except any portion thereof South of the center line of the Corvallis-Albany County Road;

Subject to easements of record;

RECEIVED
MAY 02 2002
WATER RESOURCES DEPT.
SALEM, OREGON

The true and actual consideration for this transfer is \$42,000.00;

and covenant(s) that grantor is the owner of the above described property free of all encumbrances ~~known~~ and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.
Dated this 12 day of January, 1968.

_____ (seal) Open E. Gilbert (seal)
_____ (seal) Helen S. Gilbert (seal)

STATE OF OREGON } as
County of Linn } January 12, 1968

Personally appeared the above-named OPEN E. GILBERT and HELEN S. GILBERT, his wife

and acknowledged the foregoing instrument to be their voluntary act

Before me: John A. Rock
Notary Public for Oregon
My Commission expires 5/26/70

STATE OF OREGON
County of Linn
I certify that the within instrument was received for record on the _____ day of _____, A.D. 1968
at _____ on page 265 Record of Deeds of said County
Witness my hand and seal of County aforesaid.
Notary Public for Oregon
By _____ Deputy
not the law clerk or Open E. Gilbert and Louise M. Schegel
Albany, Oregon

Enc
TL
605
50

T9111

VOL 1131 PAGE 126

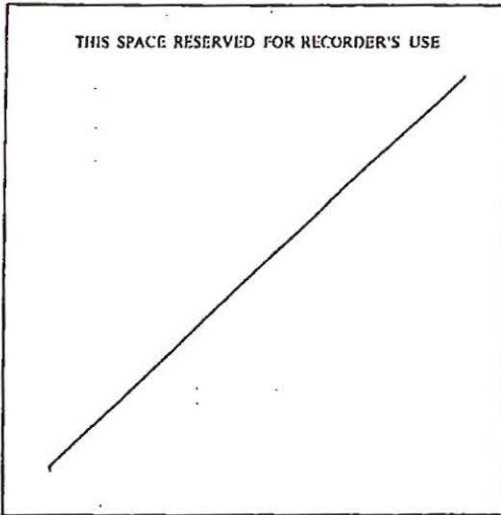


After recording return to:
Dennis Schlegel
30680 Horseshore Drive SW
Albany, OR 97321

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

Dennis Schlegel
30680 Horseshore Drive SW
Albany, OR 97321

Escrow No. 266910L
Title No. 266910-L



" To "

STATUTORY BARGAIN AND SALE DEED

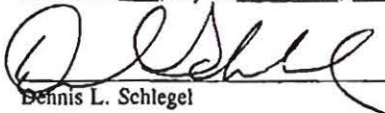
Dennis L. Schlegel, Grantor, conveys to Dennis L. Schlegel and Kathy L. Schlegel, husband and wife, as tenants by the entirety, Grantee, the following described real property:

See Attached "Exhibit A"

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$to change vesting (Here comply with the requirements of ORS 93.030)

Dated this 29th, day of September, 2000.

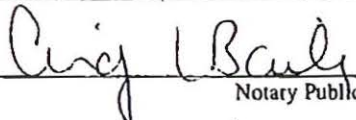

Dennis L. Schlegel

STATE OF Oregon
County of Linn

} ss.

This instrument was acknowledged before me on this 29th day of September, 2000
by Dennis L. Schlegel




Notary Public for Oregon

My commission expires: 6-6-04



Order No. 266910-L Return to: First American Title Insurance Company of Oregon 11-440-22/800

T 9111

VOL 1131 PAGE 127

EXHIBIT "A"

That part of the John Moore Claim 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East line of said Claim; thence West along said Section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said Claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the above described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more particularly described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 to the place of beginning.

SUBJECT TO the rights of the public in that portion of the above described property lying within the County Road.

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF. 1131

By SR, Deputy PAGE 126

M
R 10
9 22
A 4
O

2000 OCT -6 A 11:26

31

RECEIVED
MAY 02 2002
WATER RESOURCES DEPT
SALEM, OREGON

T 9111

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: George Schlegel
 Address: 351601 Riverside Drive
Albany, OR 97321
 Phone: 541-926-4639

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): pasture & row crops
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel service, etc): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc): _____
- Institutional (i.e., school, library, etc): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below	Indicate the estimated quantity of water the use will require
<input type="checkbox"/> Surface water Name sources: <u>Horseshoe Lake, a tributary of the Willamette</u> <input type="checkbox"/> Reservoir or pond <input type="checkbox"/> Ground Water	<u>0.05</u> Cubic feet per second _____ Gallons per minute _____ Acre-feet

Water Resources Department
 Commerce Building
 158 12th Street NE
 Salem, OR 97301-4172
 (503) 378-3739
 FAX (503) 378-8130

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) if ALL OF THE FOLLOWING APPLY: a) the application is for a change in the place of use, b) there are no structural changes, c) the use is irrigation, and d) the use is located in irrigation districts or exclusive farm use zones.**

Applicant's Name: George Schlegel
 Address: 35160 Riverside Dr.
 City: Albany State: OR Zip: 97324 Day Phone: 541-926-4639

Please provide information as requested below for **all tax lots** on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>T.L. 1000 11-4W-22</u>	<u>EFU</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): WCC 933.310(1) Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

RECEIVED
 MAY 02 2002
 WATER RESOURCES DEPT
 SALEM, OREGON

T9111

CONSENT:

We are the owners of Tax Lot 1000 (Map 11-4W-22). We are transferring 4.0 acres of Water Right (under Permit No. 34633—Certificate No. 42198) to Tax Lot 800 (Map 11-4W-22). This document is to serve as notice of our consent to have the transfer occur.

George L. Schlegel
George L. Schlegel

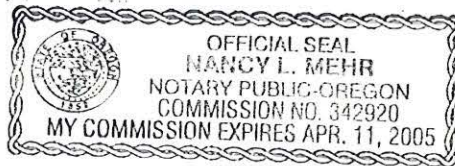
Louise M. Schlegel
Louise M. Schlegel

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
COUNTY OF BENTON)

This is to certify that on this 18th day of April, 2002, before me, a Notary Public in and for said state and county, personally appeared the within named **GEORGE L. SCHLEGEL** and **LOUISE M. SCHLEGEL** who being duly sworn, did say they are the identical persons named in the foregoing instrument and have acknowledged said instrument to be their voluntary act and deed.

BY: *Nancy L. Mehr*
Notary public for Oregon
My commission expires 3/29/20
Commission No. 4-11-05



T 9111

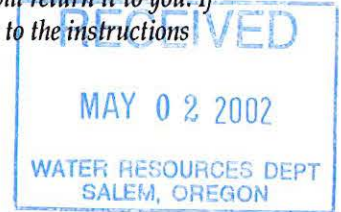
RECEIVED
OVER THE COUNTER



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.



APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Permit Amendment

Historic Point of Diversion Change Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: George Schlegel
First Last

Address: 35160 Riverside Drive

Albany OR 97321
City State Zip

Phone: 541-926-4639
Home Work Other

*Fax: _____ *E-Mail address: _____

**Optional information*

2. TYPE OF CHANGE

Use Place of Use Point of Diversion Point of Appropriation

Reason for change: Move 4.0 acres of existing water right from Tax Lot 1000
(Map 11-4W-22) to Tax Lot 800 (same map)

Is the land within an irrigation or other water district? Yes No

If yes, include district name: _____

For Department Use		
App. No. _____	Permit No. _____	Date _____

T 9111

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: George and Louise Schlegel

Decree: _____
 Not applicable

Permit Number: 34633 Certificate Number: 42198
 Not applicable Not applicable

Priority Date: August 29, 1969 Authorized Use: Irrigation

Source of Water: Horseshoe Lake County: Linn

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
2050' SOUTH AND 1480' WEST FROM NW CORNER OF MOORE DLC # 60	SW NW	22	11 S.	4 W.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
11 S.	4 W.	22	DLC 59	NE NW	1000	2.3
11 S.	4 W.	22	DLC 59	NW NW	1000	1.7

Are there other lands described in the water right? Yes No

Are there other water rights or permits associated with this land? Yes No
 If yes, include a copy of all rights or permits.

Description of general delivery system (*ditch measurements, pump size, number of sprinklers, etc.*):
A 20 horsepower surface pump is located at the existing Point of Diversion. It will be connected to the fields by buried PVC pipe (4" and 5" diameter). Additional 5" pipe will be required to extend the distribution system to the new place of use. The field to be irrigated will be delivered by 4" buried and 3" hand lines. The sprinkling set is to use up to 30 oscillating sprinkler heads (11/64" single orifice) at any one time.

System capacity (in cfs): Unknown until tested. Approximately 150 to 180 gpm



4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: No Change

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

Change in Place of Use:

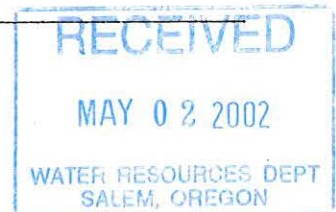
Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
11 S.	4 W.	22	DLC #59	NE NW	800	4.0

Remarks: _____

THE APPLICANT IS TRANSFERRING 4.0 ACRES FROM EXISTING CERTIFICATE
TO 4.0 ACRES ON A TAX LOT OWNED BY HIS SON (DENNIS SCHLEGEL)
DENNIS SCHLEGEL IS IN THE PROCESS OF SELLING HIS LAND (TAX LOT 800)
TO PAUL HARCMBE. AS A CONDITION TO THE SALE, THE TRANSFER MUST
BE IN THE PROCESSING PHASE WITH THE WATER RESOURCE DEPARTMENT.

T 9111



5. LAND OWNERSHIP

Answer only if for change in **Use** or **Place of Use**.

Use/Place of Use

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: n / a

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only if applicant is **not** the landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: George and Louise Schlegel
(List all landowners shown on deed.)

Address(es): 35160 Riverside Dr. SW

Albany OR 97321
City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only if the receiving landowner is **not** the original landowner or the applicant.

Receiving Landowner

Name: Dennis and Kathy Schlegel

Address: 30680 Horseshoe Dr. SW

Albany OR 97321
City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

T9111



6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.
- List all affected governments (city, county, state, tribal, federal):
Linn County

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$ 200.00

See instruction book for fee schedule.

7. SIGNATURE

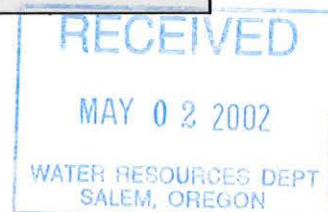
I (we) swear that I (we) have read the above application and the statements made are true and accurate.

George L. Schlegel George L. Schlegel 4/18/30
applicant signature name (print) date

Louise M. Schlegel LOUISE SCHLEGEL 4-18-02
applicant signature name (print) date

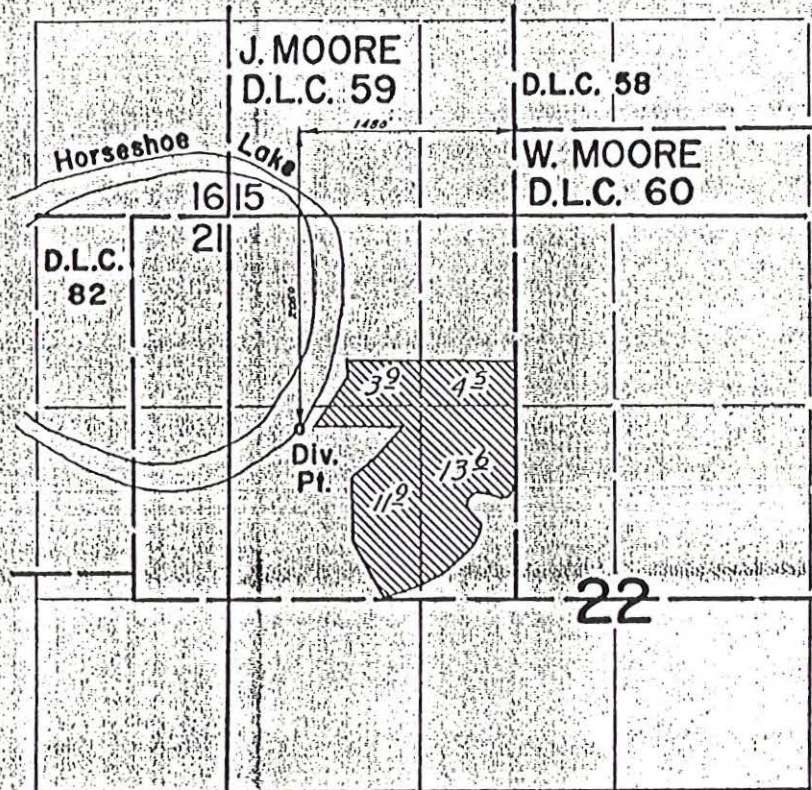
Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



T9111

T.11S., R.4W., W.M.



FINAL PROOF SURVEY UNDER

Application No. 46362 Permit No. 34633
IN NAME OF

GEORGE L. AND LOUISE M. SCHLEGEL

Surveyed Oct. 1, 1973, by D. Norby



T 9111

SCHLEGEL & SON LLC
30680 HORSESHOE DR SW
ALBANY OR 97321-9404

Account Balance

BEGINNING BALANCE	-	PAYMENTS/ CREDITS	+	NEW CHARGES	+	ADJUSTMENTS	+	OTHER CHARGES	=	ENDING BALANCE
139.40		139.40		0.00		0.00		0.00		0.00

Thank you for your payment on March 14, 2002
Payments Received

- 139.40

- 139.40

DETAIL of CURRENT MONTH ACTIVITY



1104 221760 # 30Hp Albany OR
Seasonal Disc 1-16-02 Oregon Agricultural Pumping Se Schedule 41

METER NUMBER	SERVICE PERIOD FROM	ELAPSED TO	DAYS	METER READINGS PREVIOUS	METER READINGS CURRENT	METER MULT	AMOUNT USED THIS MONTH
1875130	Mar 8, 2002	Apr 4, 2002	27	62,905	62,905	1.0	0 KWH
1875130	Demand	Apr 4, 2002			0.0		0 KW

Current Month Estimated USE LAST READ

Previous Month Estimated USE LAST READ

Your billing may not reflect actual usage. The billing will be reviewed when an actual read is obtained.

Balance Forward

0.00

New Charges

Units

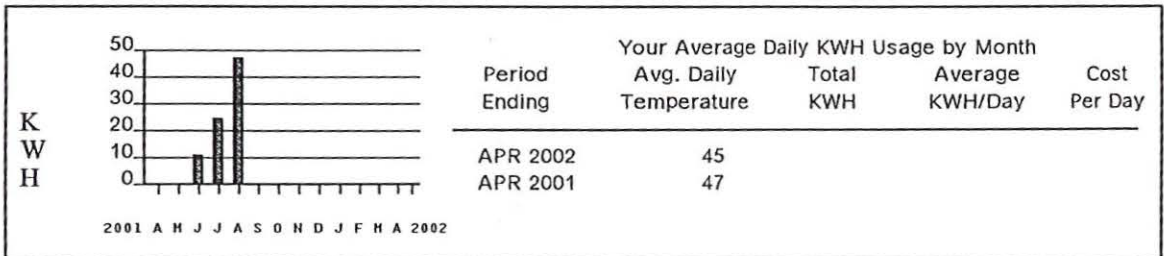
\$/Unit

04/2002

TOTAL Seasonal Disc 1-16-02 Oregon Agricultural

Pumping Se Charges

\$0.00



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MAY 02 2002
WATER RESOURCES DEPT
SALEM, OREGON

T 9111

SCHLEGEL & SON LLC
30680 HORSESHOE DR SW
ALBANY OR 97321-9404

Page 1 of 1
Bill Date June 11, 2001

PO 6/24/01

Account Balance

BEGINNING BALANCE	- PAYMENTS/ CREDITS	+ NEW CHARGES	+ ADJUSTMENTS	+ OTHER CHARGES	= ENDING BALANCE
0.00	0.00	20.83	0.00	0.00	20.83

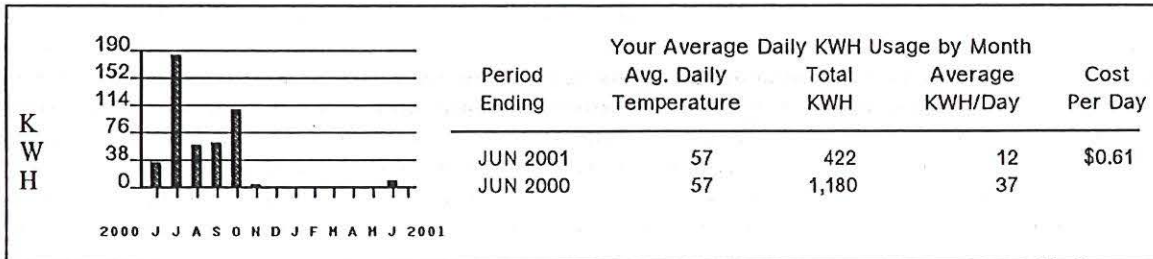
DETAIL of CURRENT MONTH ACTIVITY

1 1104 221760 # 30Hp Albany OR
Seasonal *on* 5-25-01 Oregon Agricultural Pumping Se Schedule 41

METER NUMBER	SERVICE PERIOD FROM TO	ELAPSED DAYS	METER READINGS PREVIOUS CURRENT	METER MULT	AMOUNT USED THIS MONTH
1875130	May 3, 2001 Jun 6, 2001	34	60,438 60,860	1.0	422 KWH
1875130	Demand Jun 6, 2001		10.92		11 KW

Previous Month Estimated REMOVED
The current reading is an actual read.

Balance Forward					0.00
New Charges		Units		\$/Unit	
06/2001					
Irrigation Energy Charge	422 KWH		.0499800		21.09
Your Est. Load Size Charge Is	110.00				
Low Income Assistance	422 KWH		.0001800		0.08
Credit Resulting From Merger			.0160000-		0.34-
Subtotal New Charges					20.83
TOTAL Seasonal *on* 5-25-01 Oregon Agricultural Pumping Se Charges 1					\$20.83



RETAIN THIS PORTION FOR YOUR RECORDS

BRING ENTIRE BILL IF PAYING IN PERSON

RECEIVED
MAY 02 2002
WATER RESOURCES DEPT
SALEM, OREGON

T9111



MEMORANDUM



K & D ENGINEERING, Inc.
276 NW Hickory Street
P.O. Box 725
Albany, Oregon 97321

TELEPHONE: (541) 928-2583
FAX NO: (541) 967-3458

DATE: May 2, 2002

TO: **Oregon Water Resources Department**
Attention: Bernadette Williams—Transfer Manager

CC: Dennis Schlegel
CC: Paul Harcombe
CC: George Schlegel

FROM: Jack Burrell

SUBJECT: Water Right Transfer

PROJECT NO.: 02-42

Attached is the submittal package for a water right transfer. The following attachments accompany the submittal:

- Application fee of \$200
- Application form
- Application Map
- Land Use Information Form
- Copy of the existing Water Right Certificate
- Copies of deeds of both tax lots
- Notarized statement from George and Louise Schlegel giving permission to make the transfer
- Affidavit from George and Louise Schlegel saying that water has been used in the last 5 years
- Copy of well log

Please call if you have any questions.

Thanks, Jack

T 9111

TRANSFER CHECK OFF LIST

TRANSFER FILE # 9111
DATE RECEIVED 5-2-01
DATE MONEY SLIPPED 5-2-01
DATE RECEIPTED 5-2-01
VALID WATER RIGHT? Yes No
TEMP ALT AC ___(Greg) IRR DIST ___(Greg) PERM AMEND ___(Kelly) DIV 15 (Bernie Assigns)
TEMP Div 15 ___ (Bernie) ISWR Bernie COPIES TO LIAISON _____

LETTER FROM ATTORNEY _____ YES (PUT INFO ON FRONT COVER) NO

FOLDER FILLED OUT*
INDEX CARD
ENTERED IN DB
TYPE BLACK BOOK (And color code)
RECORD MONEY/RECEIPT #
CONTENTS MARKED
COLOR CODED Yes
4 COPIES MADE & STAMPED

CERTIFICATE MARKED
CERTIFICATE COPIED
PULL APPLICATIONS
APP FOLDER MARKED
FINAL PROOF MAP COPIED
PERMIT MARKED
PERMIT COPIED
PERMIT MAP COPIED
DECREE MARKED
DECREE COPIED
ADJUDICATION MAP COPIED

ENTRIES CHECKED _____ CHECKED BY _____ INIT FOLDER _____
PUBLIC NOTICE DATE 5-14-02 (PREPARED & COPIED)
LETTER SENT Irrigation District (copy of app & map)
COPY TO WM
BLUE FORM TO WM Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
COPY TO GW POA, APOA, or [SW TO GW ONLY(as POD)]
BLUE FORM TO GW Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
COPY TO CWRE
FORM TO ODFW ALL Surface water POU/USE (POD and APOD FISH SCREENS)
FORM SENT TO: SW --- NCR --- SCR --- ER WJ
Kelly

DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

<u>GEORGE L. SCHLEGEL & LOUISE M. SCHLEGEL</u> Grantor	<u>After Recording Return to:</u> Bryan K. Churchill P.O. Box 40 Albany, OR 97321
PAUL A. HARCOTBE & ELNORA S. HARCOTBE Grantee	<u>Until requested otherwise, send all tax statements to:</u> Paul A. Harcombe 4617 Willow Street Bellaire, TX 77401-4212

ACCESS EASEMENT

THIS EASEMENT is made this 3rd day of May, 2002, by and between GEORGE L. SCHLEGEL & LOUISE M. SCHLEGEL ("Grantor"), and PAUL A. HARCOTBE & ELNORA S. HARCOTBE ("Grantee").

WITNESSETH:

Whereas, on or about March 2, 2002, Dennis Schlegel and Kathy Schlegel (hereinafter "Seller") and Grantee entered into a Real Estate Sale Agreement for the purchase of certain land, and all improvements thereon, situated in Linn County, State of Oregon, generally known as 30680 Horseshoe Drive SW, Albany, Linn County, Oregon, 97321 (hereinafter "Parcel A"), and more particularly described as follows:

The part of the John Moore Claim 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East Line of said Claim; thence West along said Section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said Claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the above described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more particularly described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 to the place of beginning.

SUBJECT TO the rights of the public in that portion of the above described property lying within the County Road.

WHEREAS, the above referenced contract between Seller and Grantee is conditioned upon Grantee obtaining a transfer of water rights from certain land owned by Grantor, also situated in Linn County, State of Oregon, generally known as 35160 Riverside Drive SW, Albany, Linn County, Oregon, 97321 (hereinafter "Parcel B"), and more particularly described as follows:

Beginning at a point which is 8 chains East of the Southwest corner of the Donation Land Claim of John Moore, Not. No. 1789 and Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence North 16.25 chains; thence North 54°30' East 14.70 chains; thence East 20.12 chains; thence South 25 chains; thence South 73° West 6.75 chains; thence West 26 chains; thence North 2.50 chains to the place of beginning; except any portion thereof South of the center line of the Corvallis-Albany County Road; subject to easements of record.

WHEREAS, the Grantees desire an easement for ingress and egress to the respective properties concerning the grant of water rights from Grantor's Parcel B to Grantee's Parcel A;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Grantors hereby grant, bargain, sell and convey unto grantees an easement for access purposes from Grantor's Parcel B to Grantee's Parcel A, as depicted in the map attached hereto and by this reference incorporated herein as Exhibit "1," and more particularly described as follows:

RECEIVED

AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGONAttachment "C"

A 10-foot wide strip of land in that George Schlegel Tract described by deed recorded in Book 328, Page 369 of the Linn County Deed Records, the center of said 10-foot wide strip being more particularly described as follows:

Beginning at an existing Point of Diversion that is used for pumping water from Horseshoe Lake that is 2050 feet SOUTH and 1480 feet WEST from the northwest corner of the W. Moore Donation Land Claim No. 60 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence EAST 20 feet, more or less, to the center of an existing farm field drive; thence along the centerline of said drive the following two (2) courses: (1) Northeasterly 550 feet, more or less, to an angle point in said road; (2) thence Easterly 620 feet, more or less, to a point that is 5.00 feet easterly of the southerly extension of the west line of that Dennis Schlegel Tract described by deed recorded in MF Volume 1131, Page 126 of the Linn County Deed Records on October 6, 2000; thence NORTH 15 feet, more or less to the south line of said Dennis Schlegel Tract.

Said easement shall be granted for purposes for ingress and egress to the respective properties concerning the grant of water rights from Grantor's Parcel B to Grantee's Parcel A, and for no other purpose.

Unless otherwise specified by the parties or specifically terminated by operation of law, said easement shall be of indefinite and perpetual duration.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed as of the day and year first above written.

Grantor:

George Schlegel
George Schlegel

Louis M. Schlegel
Louis M. Schlegel

Paul A. Harcombe
Paul A. Harcombe

Grantee:

Elnora S. Harcombe
Elnora S. Harcombe

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AUG 18 2003
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON, County of Linn) ss.

Personally appeared the above-named GEORGE L. SCHLEGEL and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 3 day of May, 2002.



Laura A. Ramsey
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03-05-04

STATE OF OREGON, County of Linn) ss.

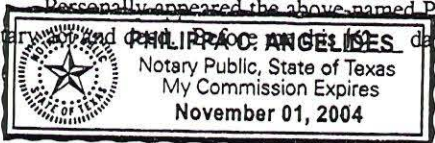
Personally appeared the above-named LOUISE M. SCHLEGEL and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 3 day of May, 2002.



Laura A. Ramsey
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-5-04

STATE OF OREGON, County of Linn) ss.

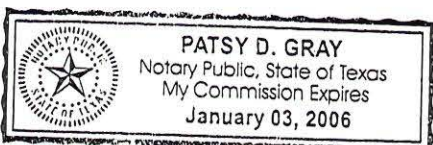
Personally appeared the above-named PAUL A. HARCOTBE and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 3 day of May, 2002.



Philippe C. Angelides
NOTARY PUBLIC FOR OREGON TEXAS
My Commission Expires: November 01, 2004

STATE OF ~~OREGON~~ TEXAS, County of HARRIS) ss.

Personally appeared the above-named ELNORA S. HARCOTBE and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 15th day of May, 2002.



Patsy D. Gray
NOTARY PUBLIC FOR OREGON TEXAS
My Commission Expires: January 03, 2006

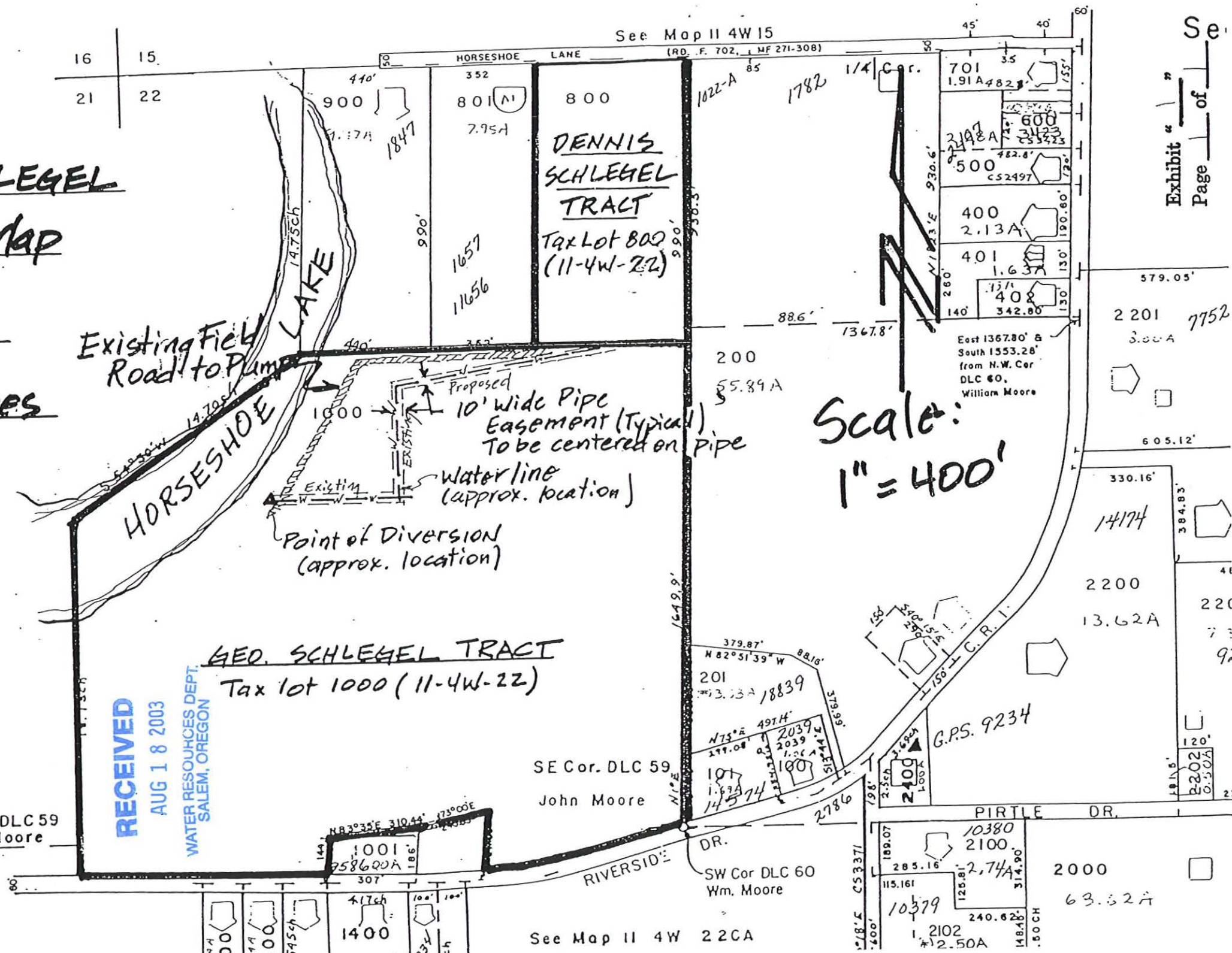
HARCOMBE/SCHLEGEL

Easement Map

For Field Drive and Irrigation Pipes

Located in
NW 1/4 Sec 22,
T.11S., R.4W., WM
Linn Co., OR

May 1, 2002



Scale:
1" = 400'

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AUG 18 2003

WATER RESOURCES DEPT.
SALEM, OREGON

SE Cor. DLC 82
Henry J.C. Averill
REGISTERED
PROFESSIONAL
LAND SURVEYOR

SW Cor. DLC 59
John Moore

SE Cor. DLC 59
John Moore

SW Cor DLC 60
Wm. Moore

Jack R. Burrell

OREGON
JULY 14, 1973
JACK R. BURRELL
1920

See Map II 4W 22CA

VOL 1295 PAGE 870

<p><u>GEORGE L. SCHLEGEL & LOUISE M. SCHLEGEL</u> Grantor</p> <p>PAUL A. HARCOTBE & ELNORA S. HARCOTBE Grantee</p>	<p><u>After Recording Return to:</u> Bryan K. Churchill P.O. Box 40 Albany, OR 97321</p> <p><u>Until requested otherwise, send all tax statements to:</u> Paul A. Harcombe 4617 Willow Street Bellaire, TX 77401-4212</p>
--	---

WATER PIPELINE EASEMENT

THIS EASEMENT is made this 3rd day of May, 2002, by and between GEORGE L. SCHLEGEL & LOUISE M. SCHLEGEL ("Grantor"), and PAUL A. HARCOTBE & ELNORA S. HARCOTBE ("Grantee").

WITNESSETH:

Whereas, on or about March 2, 2002, Dennis Schlegel and Kathy Schlegel (hereinafter "Seller") and Grantee entered into a Real Estate Sale Agreement for the purchase of certain land, and all improvements thereon, situated in Linn County, State of Oregon, generally known as 30680 Horseshoe Drive SW, Albany, Linn County, Oregon, 97321 (hereinafter "Parcel A"), and more particularly described as follows:

The part of the John Moore Claim 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at the intersection of the North line of Section 22 in said Township and Range and the East Line of said Claim; thence West along said Section line 880 feet; thence South 990 feet; thence East 880 feet to the East line of said Claim; thence North 990 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the above described property conveyed by that certain deed dated September 28, 1971 and recorded October 6, 1971 in Microfilm Volume 25, Page 426 of the Linn County Deed Records, more particularly described as follows: Beginning at a 3/4 inch iron pipe on the North line of Section 22, Township 11 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, and West 880 feet from the intersection of said North line and the East line of the John Moore Donation Land Claim No. 59 in said Township and Range; running thence South 0°06'45" East a distance of 990.00 feet to a 3/4 inch pipe; thence North 89°57'30" East 352.00 feet; thence North 0°06'45" West 989.74 feet to the North line of said Section 22; thence West 352.00 to the place of beginning.

SUBJECT TO the rights of the public in that portion of the above described property lying within the County Road.

WHEREAS, the above referenced contract between Seller and Grantee is conditioned upon Grantee obtaining a transfer of water rights from certain land owned by Grantor, also situated in Linn County, State of Oregon, generally known as 35160 Riverside Drive SW, Albany, Linn County, Oregon, 97321 (hereinafter "Parcel B"), and more particularly described as follows:

Beginning at a point which is 8 chains East of the Southwest corner of the Donation Land Claim of John Moore, Not. No. 1789 and Claim No. 59, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence North 16.25 chains; thence North 54°30' East 14.70 chains; thence East 20.12 chains; thence South 25 chains; thence South 73° West 6.75 chains; thence West 26 chains; thence North 2.50 chains to the place of beginning; except any portion thereof South of the center line of the Corvallis-Albany County Road; subject to easements of record.

WHEREAS, the Grantees desire an easement for placement of an above-ground water pipeline between the respective properties concerning the grant of water rights from Grantor's Parcel B to Grantee's Parcel A, and for use and maintenance of said pipeline, as well as the existing below-ground water pipeline;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Grantors hereby grant, bargain, sell and convey unto grantees an easement for placement of a water pipeline from Grantor's Parcel B to Grantee's Parcel A, as depicted in the map attached hereto and by this reference incorporated herein as Exhibit "1," and more particularly described as follows:

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A 10-foot wide strip of land located in that George Schlegel Tract described by deed recorded in Book 328, Page 369 of the Linn County Deed Records, the center of said 10-foot wide strip being more particularly described as follows:

Beginning at an existing Point of Diversion that is used for pumping water from Horseshoe Lake that is 2050 feet SOUTH and 1480 feet WEST from the northwest corner of the W. Moore Donation Land Claim No. 60 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence running along the centerline of a buried water irrigation pipe the following two (2) courses: (1) EAST 420 feet, more or less, to an angle point in said waterline; (2) thence NORTH 420 feet, more or less, to a water riser and connection point on the surface of the ground; thence North 80° West, more or less, 550 feet, more or less, to a point on the south line of and being 40 feet East of the southwest corner of that Dennis Schlegel Tract described by deed recorded in MF Volume 1131, Page 126 of the Linn County Deed Records on October 6, 2000.

The easterly terminus of the above described strip is the south line of the said Dennis Schlegel Tract.

Said easement shall be granted for purposes for placement of an above-ground water pipeline between the respective properties concerning the grant of water rights from Grantor's Parcel B to Grantee's Parcel A, and for use and maintenance of said pipeline, as well as the existing below-ground water pipeline, and for no other purpose.

Unless otherwise specified by the parties or specifically terminated by operation of law, said easement shall be of indefinite and perpetual duration.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed as of the day and year first above written.

Grantor:

George Schlegel
George Schlegel

Louise M. Schlegel
Louis M. Schlegel

Paul A. Harcombe
Paul A. Harcombe

Grantee:

Elnora S. Harcombe
Elnora S. Harcombe

STATE OF OREGON, County of Linn) ss.

Personally appeared the above-named GEORGE L. SCHLEGEL and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 3 day of May, 2002.



Laura A. Ramsey
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03-05-04

STATE OF OREGON, County of Linn) ss.

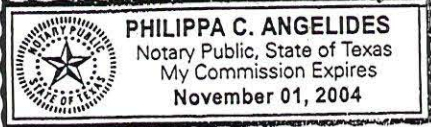
Personally appeared the above-named LOUISE M. SCHLEGEL and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 3 day of May, 2002.



Laura A. Ramsey
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03-05-04

STATE OF OREGON, County of HARRIS) ss.
TEXAS

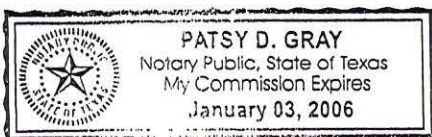
Personally appeared the above-named PAUL A. HARCUMBE and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 16 day of May, 2002.



Philippa C. Angelides
NOTARY PUBLIC FOR ~~OREGON~~ TEXAS
My Commission Expires: November 01, 2004

STATE OF ~~OREGON~~, County of HARRIS) ss.
TEXAS

Personally appeared the above-named ELNORA S. HARCUMBE and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 15th day of May, 2002.



Patsy D. Gray
NOTARY PUBLIC FOR ~~OREGON~~ TEXAS
My Commission Expires: January 03, 2006

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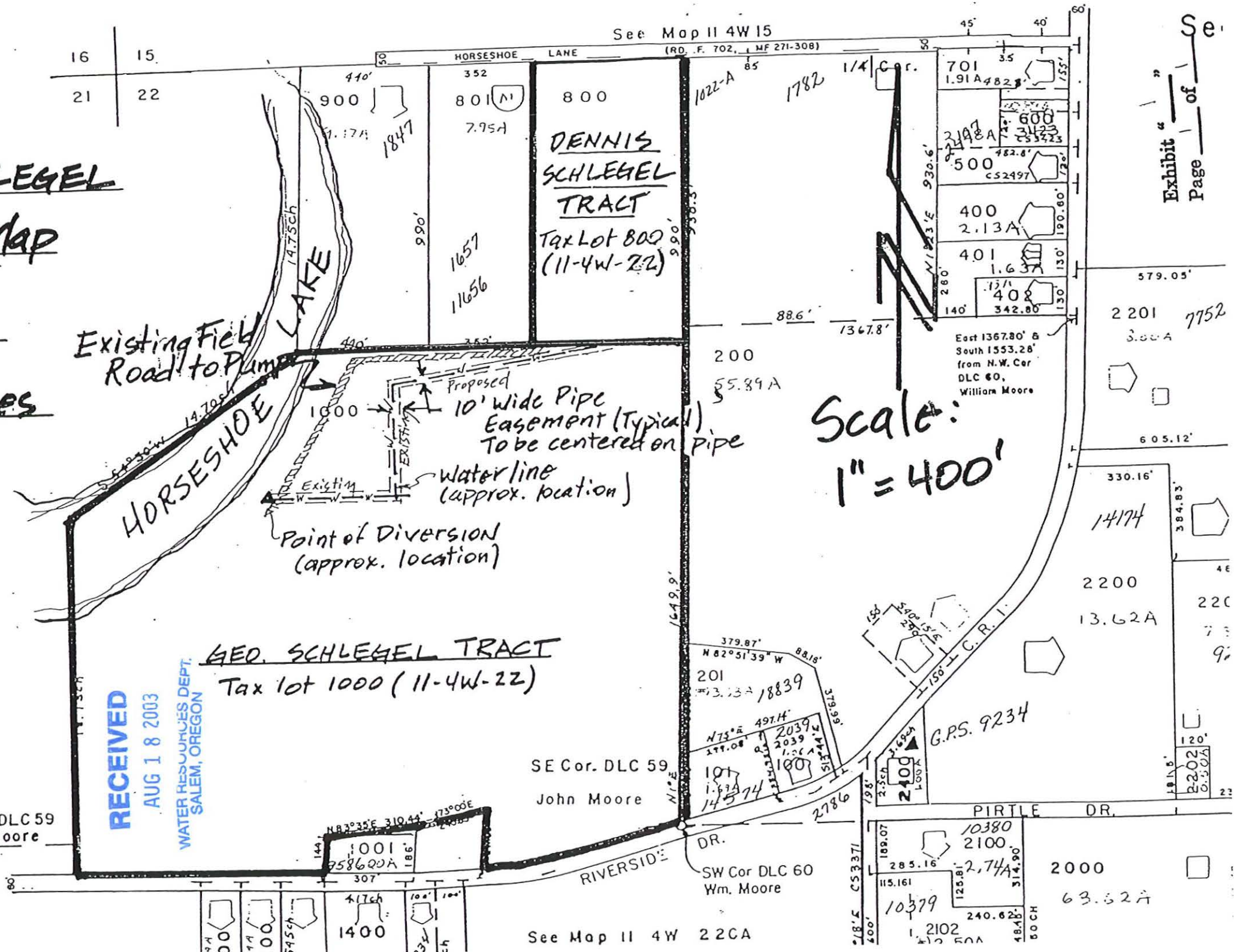
HARCOMBE/SCHLEGEL

Easement Map

For
Field Drive
and
Irrigation Pipes

Located in
NW 1/4 Sec 22,
T.11S., R.4W., WM
Linn Co., OR

May 1, 2002



SE Cor. DLC 82
Henry J.C. Averill
REGISTERED
PROFESSIONAL
LAND SURVEYOR

SW Cor. DLC 59
John Moore

Jack R. Burrell

OREGON
JULY 14, 1973
JACK R. BURRELL

SE Cor. DLC 59
John Moore

SW Cor DLC 60
Wm. Moore

See Map 11 4W 22CA

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GEORGE L. & LOUISE M. SCHLEGEL**
97321
of **4822 Riverside Drive SW, Albany**, State of **Oregon**, has made proof
to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of
Horseshoe Lake

a tributary of **Willamette River** for the purpose of
irrigation of **33.9 acres**

under Permit No. **34633** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **August 29, 1969**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.42 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **J. Moore DLC 59**,
Section 22, T. 11 S., R. 4 W., W. M., 2050 feet South and 1480 feet West from
NW Corner, W. Moore DLC 60.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during
the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

4.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
11.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
13.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
All as projected within Moore DLC 59
Section 22
T. 11 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.



WITNESS the signature of the State Engineer, affixed
this date. **May 23, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **42198**

T 9111

J. MOORE
D.L.C. 59

Scale:
1" = 400'

D.L.C. 58

1480'

Lake

4.0 acres
NEW PLACE
OF USE

W. MOORE
D.L.C. 60

HORSESHOE LANE

16 15

21

NW 1/4 NW 1/4 Sec.22

NE 1/4 NW 1/4 Sec.22

1.7 acres to
be transferred

HARCOMBE
PROPERTY

Proposed 5"
Pipe

2.3 acres to
be transferred

Existing 5"
Pipe

EXISTING WATER
RIGHT:

Permit # 34633
Certificate # 42198

SW 1/4 NW 1/4 Sec.22

SE 1/4 NW 1/4 Sec.22

Div.
Pt.

119

130

22

Map of Beneficial Use

under

Permit T-9111

in name of

PAUL HARCOMBE
30680 Horseshoe Dr. SW
Albany, OR 97321

Date of Site Inspection: August 12, 2003

Date of Map: August 14, 2003

Tax Lot: 800 (11-4W-22)

Source: Horseshoe Lake, a tributary of the Willamette River
and the Willamette
River Basin Project Reservoir

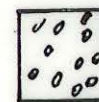
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I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENCE NO.209, HAVE PREPARED THIS MAP FOR PAUL HARCOMBE ON THIS 14TH DAY OF AUGUST, 2003. THE AREAS HATCHED REPRESENT THE LAND'S BEING IRRIGATED UNDER THIS PERMIT.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DEMESIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



NEW PLACE OF USE



AREA BEING TRANSFERRED



EXISTING WATER RIGHT CERTIFICATE #42198
AND RE-ISSUED AS #79962



RENEWAL DATE 12/31/03

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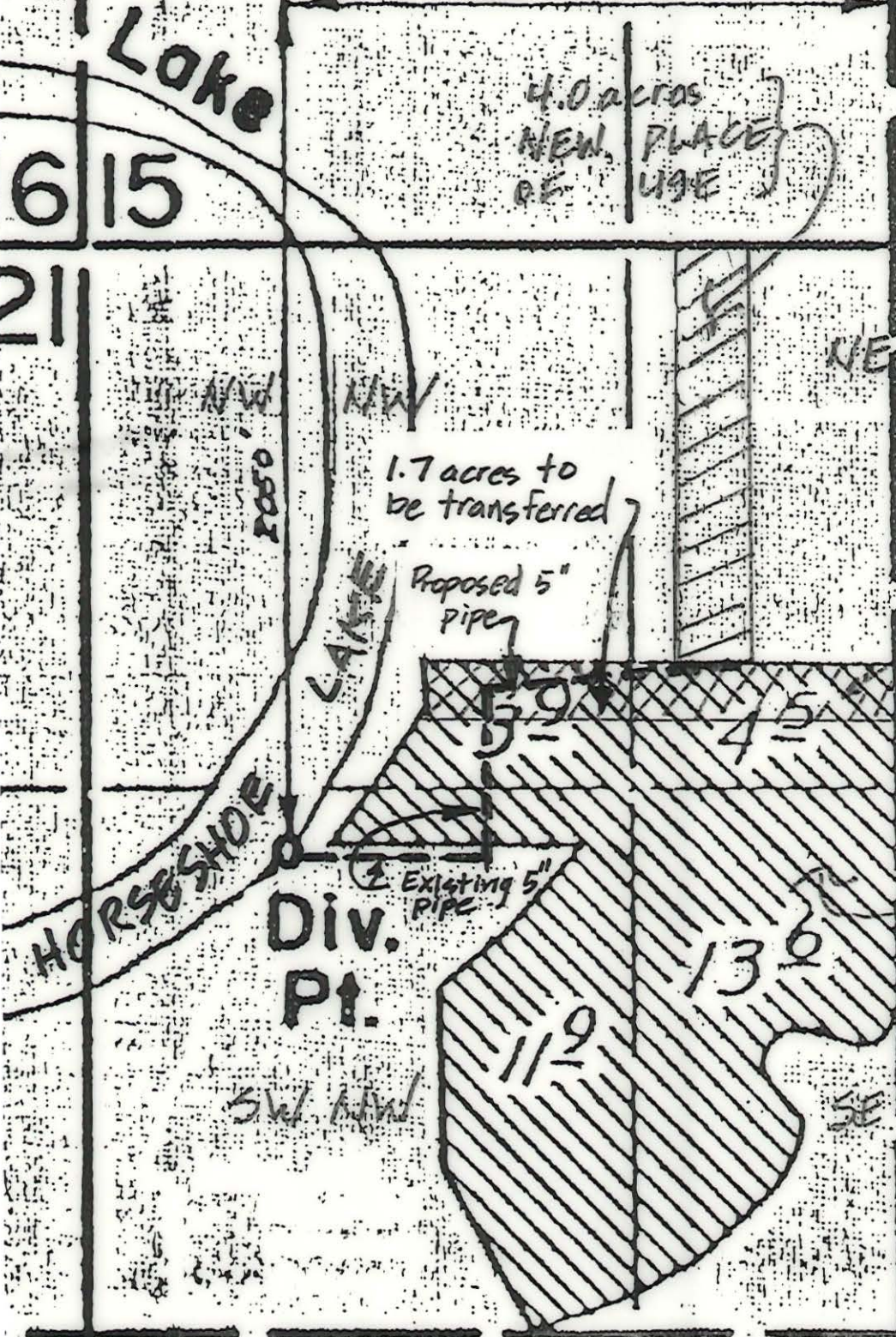
KD ENGINEERING, INC.
273 N.W. HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

J. MOORE
D.L.C. 59

Scale:
1" = 400'

D.L.C. 58

W. MOORE
D.L.C. 60



2.3 acres to be transferred

EXISTING WATER RIGHT:
Permit # 34633
Certificate # 42198

22



Water Right Transfer Map
For
GEORGE SCHLEGEL
In
NW ¼ of Section 22, T.11S., R.4 W., WM
Linn County, Oregon

May 1, 2002

Scale: 1" = 400'



T9111