

T-10483

T-10483

HISTORIC

Name Carol + Lawrence Schluckebier

Address 83427 Williamson Lane  
Dexter OR 97431  
541 937-3202 541-744-1975

Change in Historic AOD  
Date Filed 10-29-07  
Initial notice date 11-6-07  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 9-29-09 Vol 78 Page 998

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued 85788 CF  
85790 RR

DESCRIPTION OF WATER RIGHT(S)

Name of Stream unnamed slough  
Trib. of Lost Creek  
Use Ir County Lane  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App # S 31970 Per # S 25217 Cert # 44405 PR Date 1957  
App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEEES PAID  
Date 10/29/07 Amount 400.00 Receipt# 90386

FEEES REFUNDED  
Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt# \_\_\_\_\_

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District n/a

Agent n/a

CWRE n/a

CC's list Lane County 125 E 8th Ave Eugene OR 97401

- Oversized map - Location \_\_\_\_\_



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

September 29, 2009

LAWRENCE & CAROL SCHLUCKEBIER  
83427 WILLIAMSON LANE  
DEXTER OR 97431

REFERENCE: Transfer Application T-10483

Enclosed is a copy of the final order approving your water right transfer application.

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at [Sarah.A.Henderson@wrд.state.or.us](mailto:Sarah.A.Henderson@wrд.state.or.us).

Sincerely,

Sarah Henderson  
Executive Support  
Field Services Division

cc: Watermaster Dist. # 2  
E.E. Soultz

Enclosures





**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
19 S	1 W	WM	8	SE NE	51	POD 1 - 180 FEET NORTH AND 370 FEET WEST FROM EAST 1/4 CORNER SECTION 8

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
19 S	1 W	WM	8	NE NE	51	1.0
19 S	1 W	WM	8	NW NE	51	8.3
19 S	1 W	WM	8	SW NE	51	13.8
19 S	1 W	WM	8	SE NE	51	5.9

- Transfer Application T-10483 proposes to move the point of diversion to reflect historic use of a point approximately 1800 feet downstream:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
19 S	1 W	WM	8	NE NE	POD 2 - 790 FEET NORTH AND 2340 FEET EAST FROM NORTHEAST CORNER OF DLC 39

- Notice of the application for transfer was published on November 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On September 2, 2009, the Department mailed a copy of the draft Final Order proposing to approve the Transfer Application T-10483 to the applicants. On September 16, 2009, the applicants requested that the Department proceed with issuance of a Final Order based on the conditions of the draft.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

- Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding of Fact #3, has been in use for more than 10 years.
- Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
- The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

### Conclusions of Law

The proposed change in point of diversion to reflect historical use in application T-10483 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000

### Now, therefore, it is ORDERED:

1. The change proposed in T-10483 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 44405 and any related decree.
3. Water right certificate 44405 is cancelled. A new confirming certificate will be issued to describe the change in point of diversion for the portion of the right included in T-10483. A new remaining right certificate shall be issued to describe the portion of Certificate 44405 not modified by this order. Together, the new Certificates shall supersede Certificate 44405.
4. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Prior to October 1, 2011, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 29<sup>th</sup> day of September 2009.

  
Phillip C. Ward, Director *pc*

Mailing date: OCT 01 2009

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO  
 LAWRENCE AND CAROL SCHLUCKEBIER  
 83427 WILLIAMSON LANE  
 DEXTER OR 97431

confirms the right to use the waters of an UNNAMED SLOUGH (slough channel of Middle fork of Willamette River), tributary to MIDDLE FORK WILLAMETTE RIVER, for IRRIGATION of 29 ACRES.

This right was perfected under Permit S-25217. The date of priority is NOVEMBER 13, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.36 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
19 S	1 W	WM	8	NE NE	POD 2 - 790 FEET NORTH AND 2340 FEET EAST FROM NORTHEAST CORNER OF DLC 39

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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. 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 and is subject to the existing minimum flow policies established by the Water Policy Review Board.

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
19 S	1 W	WM	8	NE NE	51	1.0
19 S	1 W	WM	8	NW NE	51	8.3
19 S	1 W	WM	8	SW NE	51	13.8
19 S	1 W	WM	8	SE NE	51	5.9

This is a final 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 137-004-0080, you may 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.

Prior to October 1, 2011, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered SEP 29 2009, approving Transfer Application T- 10483, and together with Certificate 85790 supersedes Certificate 44405, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEP 29 2009.

  
Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO  
 E.E. SOULTS  
 1823 LINCOLN ST  
 EUGENE OR 97401

confirms the right to use the waters of an UNNAMED SLOUGH (a slough channel of the Middle Fork of the Willamette River), a tributary to MIDDLE FORK WILLAMETTE RIVER for IRRIGATION of 51.9 ACRES.

This right was perfected under Permit S-25217. The date of priority is NOVEMBER 13, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.65 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
19 S	1 W	WM	8	SE NE	51	POD 1 - 180 FEET NORTH AND 370 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

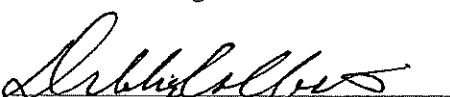
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
19 S	1 W	WM	8	SW NE	51	13.5
19 S	1 W	WM	8	SE NE	51	0.8
19 S	1 W	WM	8	SE NW	51	8.7
19 S	1 W	WM	8	NE SW	51	7.7
19 S	1 W	WM	8	NE SE	51	0.2
19 S	1 W	WM	8	NW SE	51	21.0

This certificate describes that portion of the water right confirmed by Certificate 44405, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 29 2009, approving Transfer Application T-10483, and together with Certificate 85788 supersedes Certificate 44405.

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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed SEP 29 2009

  
 Phillip C. Ward, Director

### Water Right Transfer Checklist

Transfer T-10483

Transfer Specialist: NW Region Drawer

Transfer Type: Historic

Applicant Name/Address: Carol & Lawrence Schluckebier, 83427 Williamson Lane, Dexter, OR 97431

Agent Name/Address: NONE

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	S 31970	S 25217	44405	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	85788
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	85790
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

cf  
rv

**Key Dates & Initial Actions**

Rec'd: <u>10/29/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER <u>HISTORIC POD</u>	
Fees Pd: <u>400.00</u>	WM District: <u>2</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>11/06/07</u>	WM Review sent: <u>11/02/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

**Preliminary Determination**

- |  |  |
|--|--|
| <input type="checkbox"/> Electronic Files uploaded     | <input type="checkbox"/> Preliminary Determination |
| <input type="checkbox"/> PD Cover letter               | <input type="checkbox"/> Fee Refund Due            |
| <input type="checkbox"/> PD Notice                     | <input type="checkbox"/> Remaining Rights          |
| <input type="checkbox"/> File Assigned/ ModPod updated |  |

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>JSP</u>	Coordinator: <u>JSP</u>
Date: _____	Date: <u>8/28/09</u>	Date: <u>9/23/09</u>
Comments/Special Issues:		

Special Order Volume: Vol 78 Pages 998 Final Order Signature Date: 9-29-09  
 Notice of FO email'd to processors nikki

Review Checklist

T-10483

Processor: NW Region Drawer

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid.  If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate. *POD not authorized Not as much water used*
- Delivery system has the capacity to fully divert the rate/duty of the right. *No .5 right w/for 1.01*
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/decree maps for the rights.  Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- |  |   |   |   |   |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map         | <input checked="" type="checkbox"/> FPS       | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI            | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs                  | <input checked="" type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                           | <input checked="" type="checkbox"/> dpd         |   |   |   |

- Reviews/comments/conditions received?  Watermaster  ODFW  GW
- Headgate  When in the judgment  Prior to diverting  Existing and maintain
- Measuring Devices  When in the judgment  Prior to diverting  Existing and maintain
- Fish Screen Devices

Injury: Y **N**      Enlargement: Y **N**

Conditions to avoid enlargement/injury -

83427 Williamson Lane  
Dexter, Or 97431  
September 15, 2009

RE: Water Right Transfer Application T-10483

Nichole Hendricks  
Water Resources Department  
725 Summer Street, NE, Suite A  
Salem, OR 97301-1266

Dear Nichole Hendricks:

We have reviewed the Draft Final Order regarding Transfer Application T-10483.

We agree with and accept the terms of the Draft Final Order regarding the Transfer Application T-10483.

Sincerely,



Lawrence Schluckebier



Carol Schluckebier

**RECEIVED**  
SEP 16 2009  
WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

September 2, 2009

LAWRENCE AND CAROL SCHLUCKEBIER  
83427 WILLIAMSON LANE  
DEXTER OR 97431

SUBJECT: Water Right Transfer Application T-10483

Please find enclosed a Draft Final Order regarding Transfer Application T-10483. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

A fish screening and/or fish passage or by-pass device and a water measurement device are required at the new diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

Issuance of the Final Order will occur shortly after we receive your written response. If we do not receive your response by **October 2, 2009**, a Final Order may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0898 or [Nichole.M.Hendricks@wrdd.state.or.us](mailto:Nichole.M.Hendricks@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Nikki Hendricks  
Transfer Specialist

cc: T-10483  
Michael J. Mattick, District 2 Watermaster

encs





**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
19 S	1 W	WM	8	SE NE	51	DIVERSION 1 - 180 FEET NORTH AND 370 FEET WEST FROM EAST 1/4 CORNER SECTION 8

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
19 S	1 W	WM	8	NE NE	51	1.0
19 S	1 W	WM	8	NW NE	51	8.3
19 S	1 W	WM	8	SW NE	51	13.8
19 S	1 W	WM	8	SE NE	51	5.9

- Transfer Application T-10483 proposes to move the point of diversion to reflect historic use of a point approximately 1800 feet downstream:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
19 S	1 W	WM	8	NE NE	DIVERSION 2 - 790 FEET NORTH AND 2340 FEET EAST FROM NORTHEAST CORNER OF DLC 39

- Notice of the application for transfer was published on November 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

**Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)**

- Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 2a, has been in use for more than 10 years.
- Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
- The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of diversion to reflect historical use in application T-10483 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000

**Now, therefore, it is ORDERED:**

1. The change proposed in T-10483 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 44405 and any related decree.
3. Water right certificate 44405 is cancelled. A new confirming Certificate will be issued to describe the change in point of diversion for the portion of the right included in T-10483. A new remaining right Certificate shall be issued to describe the portion of Certificate 44405 not modified by this order. Together, the new Certificates shall supersede Certificate 44405.
4. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Prior to October 1, 2010, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**DRAFT**

\_\_\_\_\_  
Phillip C. Ward, Director

*Mailing date:* \_\_\_\_\_

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-10483

**A. Please check box if you believe there is a potential for injury to an instream water right.**

- The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_.  
(Stream)

Because, \_\_\_\_\_,  
(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

**B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:**

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

*Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

*If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-

*pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

Kelly Reis

Signature

Kelly Reis

Printed Name

Assistant District Fish Biologist, South Willamette Watershed District, Springfield

Title

(541) 726-3515, ext. 29

Phone

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-10483

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: Kelly Reis

Address: 3150 Main Street

City/State/Zip: Springfield, OR, 97478

Phone: (541) 726-3515, ext. 29

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Indicate in this column whether or not the item is satisfied.

## Permanent Transfer Application – OAR 690-380 3000 & 3100

### Completeness Checklist

Applicant's Name: Carol & Lawrence Schluskebier (Form last revised: March 13, 2007)

#### Section A – Status of Right

Is this a Water Right that can be transferred? [OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, RETURN the application & fee to the applicant.

OK

#### Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process? [ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

Hist.  
POD

#### Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: \_\_\_\_\_

Fee Schedule – ORS 536.050(1)(h)

- \$350 - Base fee (1<sup>st</sup> change and 1<sup>st</sup> CFS of water)
- + \$350 - Each additional type of change requested
- + \$175 - For each CFS, or fraction thereof, requested beyond 1<sup>st</sup> CFS (for POU, Type of Use, or Exchange)

Total Fees Paid: 400.00

Fees Due (if any): \_\_\_\_\_

Refund Due (if any): \_\_\_\_\_

If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.

OK

#### Section D – Completeness

Is the Transfer application complete?

All required elements necessary for a complete transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is NOT complete, RETURN the application & fee to the applicant.

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

• Type of transfer application Regular (Page 1)

• Applicant's name, mailing address and contact information. (Page 1)

• Agent's name, mailing address and contact information, if applicable. (Page 1)

• Are the water rights to be affected by this transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

OK

OK

N/A

OK

Checklist for Supplemental Form A – (Attachments)	
OK	<ul style="list-style-type: none"> <li>• Certificate # filled in on each page? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Type of change(s) proposed clear? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Current Water Right information is complete? <span style="float: right;">(Page 2)</span></li> </ul>
N/A	<ul style="list-style-type: none"> <li>• If for a change in <b>POU or USE</b>..... <span style="float: right;">(Page 2)</span></li> </ul> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? <b>YES NO</b></p> <p>If <b>YES</b>..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>
OK	<ul style="list-style-type: none"> <li>• Location description of the authorized POA/POD to be changed. <span style="float: right;">(Page 3)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
OK	<ul style="list-style-type: none"> <li>• Location description of the existing authorized POU and associated acres (if applicable). <span style="float: right;">(Page 4)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> <li>• Location description of the proposed POA/POD. <span style="float: right;">(Page 5)</span></li> </ul> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
N/A	<ul style="list-style-type: none"> <li>• Location description of the proposed POU and associated acres (if applicable). <span style="float: right;">(Page 6)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
<b>Return back to Page 2 of transfer application</b>	
OK	<ul style="list-style-type: none"> <li>• The type of changes being proposed. <span style="float: right;">(Page 2)</span></li> </ul> <p style="text-align: center; font-size: 1.2em; color: blue;">Historic PAD</p>
OK	<ul style="list-style-type: none"> <li>• Reason for the transfer. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Description of current water delivery system. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• System Capacity. <span style="float: right;">(Page 2)</span></li> </ul>

Checklist for Supplemental Form B – (Attachments)	
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #1? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #2? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• In question #4 and #5 are they filled out. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #6? <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is the #6 supporting documentation included with application? <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there an original signature of the notary and notary stamp? <span style="float: right;">(Page 2)</span></li> </ul>
<b>Return back to Page 3 of transfer application</b>	
None	<ul style="list-style-type: none"> <li>• Affected districts and local governments. <span style="float: right;">(Page 3)</span> If within a district/local government jurisdiction, ensure that name &amp; mailing address is provided.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is the applicant the Landowner of the “from” and “to” Lands? <input checked="" type="radio"/> YES <input type="radio"/> NO <span style="float: right;">(Page 4)</span> If NO..... The applicant must list current landowner name &amp; address.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Who will be responsible for completion of the changes? <i>Applicant</i> <span style="float: right;">(Page 4)</span> Is a box checked? If no box is checked the applicant or agent must be contacted.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Map..... <span style="float: right;">(Page 5)</span> (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed &amp; an electronic pdf file of map ___ north arrow ___ size &amp; scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (<i>clearly shown, labeled &amp; matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled &amp; matches application “proposed” listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Land Use form, <i>if applicable</i>. <span style="float: right;">(Page 5)</span> Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.</li> </ul>
N/A	<ul style="list-style-type: none"> <li>• If a groundwater right is involved, are the well logs or a description included. <span style="float: right;">(Page 5)</span></li> </ul>
N/A	<ul style="list-style-type: none"> <li>• If this is an instream water right transfer, is there a form C included and filled out. <span style="float: right;">(Page 5)</span></li> </ul>

OK

• Signature(s) of applicant(s):

(Page 6)

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: S. Henderson

Date: 10-30-07

# Water Rights Platcard Report

Meridian: Willamette Township: 19 South Range: 1 West Section: 8 Records per 10 Page: Search New Platcards Maps! Learn about \* Mapped by Type \* Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown OO
Select Cert:16937 OR *		11/2/1945	IRRIGATION		39									0.8	12									
Additional Info: D.B./MARY C APPLING App: S21262 Permit: S16915 Cert: 16937																								
Select Cert:17365 OR *		5/26/1947	IRRIGATION		41																			0.7
Additional Info: TOM O RILEY App: S22569 Permit: S17824 Cert: 17365																								
Select Cert:21261 OR *		3/5/1947	IRRIGATION		51								16.4											
Additional Info: MERLE D CHASE App: S22307 Permit: S17590 Cert: 21261																								
Select Cert:23773 OR *		12/4/1952	IRRIGATION		41																			4
Additional Info: L V CLAYTON App: S27891 Permit: S21969 Cert: 23773																								
Select Cert:24207 OR *		12/19/1949	IRRIGATION		41														1.6					4
Additional Info: JOHN & ELINOR HOOLE App: S24356 Permit: S19449 Cert: 24207																								
Select Cert:27813 OR CN		8/1/1958	IRRIGATION CN		39								0-2	0-2										
Additional Info: CECIL S/VERL E WOODS App: G1152 Permit: G1103 Cert: 27813																								
Select Cert:27813 OR CN		8/1/1958	IRRIGATION CN		51								0-0											
Additional Info: CECIL S/VERL E WOODS App: G1152 Permit: G1103 Cert: 27813																								
Select Cert:30674 OR CN		11/13/1957	IRRIGATION CN		51			±	0-3	27-3	6-7				0-7	7-7				0-2	2±			
Additional Info: EDGAR E SOULTS App: S31970 Permit: S25217 Cert: 30674																								
Select Cert:30885 CR *		8/1/1958	IRRIGATION		39								0.2	0.2										
Additional Info: CECIL S/VERL E WOODS App: G1152 Permit: G1103 Cert: 30885																								
Select Cert:30885 CR *		8/1/1958	IRRIGATION		51								0.8											
Additional Info: CECIL S/VERL E WOODS App: G1152 Permit: G1103 Cert: 30885																								

Acreege Legend: 12.25 Regular acreege ±2.25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended \* Acreege is not specified

# Water Rights Platcard Report

Meridian: Willamette Township: 19 South Range: 1 West Section: 8 Records per Page: 10 Search

New Platcards Maps!  
[Learn about](#) \* [Mapped by Type](#) \* [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select <b>Cert:31471 OR *</b> <u>Additional Info:</u> JESS M LARISON App: S33707 Permit: S26601 Cert: 31471		12/21/1959	IRRIGATION		51			6.4				17.6												
Select <b>Cert:31476 OR *</b> <u>Additional Info:</u> RICHARD E CONE App: S37676 Permit: S28080 Cert: 31476		5/25/1962	IRRIGATION		41																		16.9	6.1
Select <b>Cert:35350 OR *</b> <u>Additional Info:</u> FRANK/GLADYS OLSON App: S34848 Permit: S27356 Cert: 35350		4/24/1961	IRRIGATION		39							0.2			0.4									
Select <b>Cert:35350 OR *</b> <u>Additional Info:</u> FRANK/GLADYS OLSON App: S34848 Permit: S27356 Cert: 35350		4/24/1961	IRRIGATION		51			6.8	9			7.2			4.6									
Select <b>Cert:44405 CF *</b> <u>Additional Info:</u> E.E. SOULTS App: S31970 Permit: S25217 Cert: 44405		T10483	11/13/1957	IRRIGATION	51			1	8.3	27.3	6.7				8.7	7.7					0.2	21		
Select <b>Cert:49282 OR *</b> <u>Additional Info:</u> OREGON PARKS AND RECREATION DEPARTMENT App: S47717 Permit: S35517 Cert: 49282		11/13/1970	IRRIGATION		41																	4.3		
Select <b>Cert:49282 OR *</b> <u>Additional Info:</u> OREGON PARKS AND RECREATION DEPARTMENT App: S47717 Permit: S35517 Cert: 49282		11/13/1970	IRRIGATION		51						7.1											9.9		
Select <b>Cert:61942 OR *</b>		5/15/1980	IRRIGATION		51			6.5	5.9															





NW



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form:
Water Right Transfer

Transfer Application: T-10483

Review Due Date: 12/2/07

Applicant Name: Carol & Lawrence Schluckebier

Proposed Changes: [ ] POU [x] POD [ ] POA [ ] USE [ ] OTHER

Reviewer(s): Mjm

Date of Review: \_\_\_\_\_

- 1. Do you have information suggesting that the water rights may be subject to forfeiture?
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?
4. Are there upstream water rights that would be affected by the proposed change?
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
7. For POU changes, would the original place of use continue to receive water from the same source?
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
9. Are there other issues not identified through the above questions?
10. What alternatives may be available for addressing any issues identified above?

11. Have headgate notices been issued for the source that serves the right?  Yes  No
12. What water control and measurement conditions should be included in the transfer:

<b>Measurement Devices</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.

**Sarah Henderson**

T-10483

---

**From:** Michael Mattick  
**Sent:** Tuesday, October 30, 2007 5:21 PM  
**To:** Sarah Henderson  
**Subject:** RE: Carol & Lawrence Schluckebier

Hi Sarah,

Re the Schluckebier historic POD change:

I can attest that there has been no claim of injury prior to the request for change in historic point of diversion and No complaint of injury has been made due to the use of water at the actual, current point of diversion,

Thank You,  
MM

Michael J. Mattick  
District 2 Watermaster  
ph 541 682-3620  
fax 541 746-1861  
220 5th St, Springfield, OR 97477  
generally open 8:30 am until 4:00 pm  
Water Resources Department Web Page: [www.wrd.state.or.us](http://www.wrd.state.or.us)

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**From:** Sarah Henderson  
**Sent:** Tuesday, October 30, 2007 11:07 AM  
**To:** Michael Mattick  
**Subject:** Carol & Lawrence Schluckebier

Hi Michael,

I received a water right transfer application that you helped with. I have accepted it as T-10483. What I need from you is a statement letting me know that there has been no claim of injury prior to the request for the change in historic point of diversion. No complaint of injury has been made due to the use of water at the actual, current point of diversion.

An email to me with the statement from you, will work just fine.

Thank you.

Sarah

10/31/2007

## Sarah Henderson

---

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An email to me with the statement from you, will work just fine.

Thank you.

Sarah

Submitted by  
 Cit. No. 44405  
 Tr. Co. Or. 21p. 326

## STATE OF OREGON

COUNTY OF LANE

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** EDGAR E. SOULTS

of Star Route, Dexter, 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 an unnamed slough.

a tributary of Middle fork of Willamette River for the purpose of irrigation of 80.9 acres

under Permit No. 25217 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 November 13, 1937,

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 1.01 cubic feet 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 SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Morgan DIC 51, Section 8, T. 19 S., R. 1 W., W. M.

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-eighth 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:

1.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 8.3 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 27.3 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 6.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 3.7 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 7.7 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.2 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
 21.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

all as projected within Morgan DIC 51  
 Section 8  
 T. 19 S., R. 1 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.

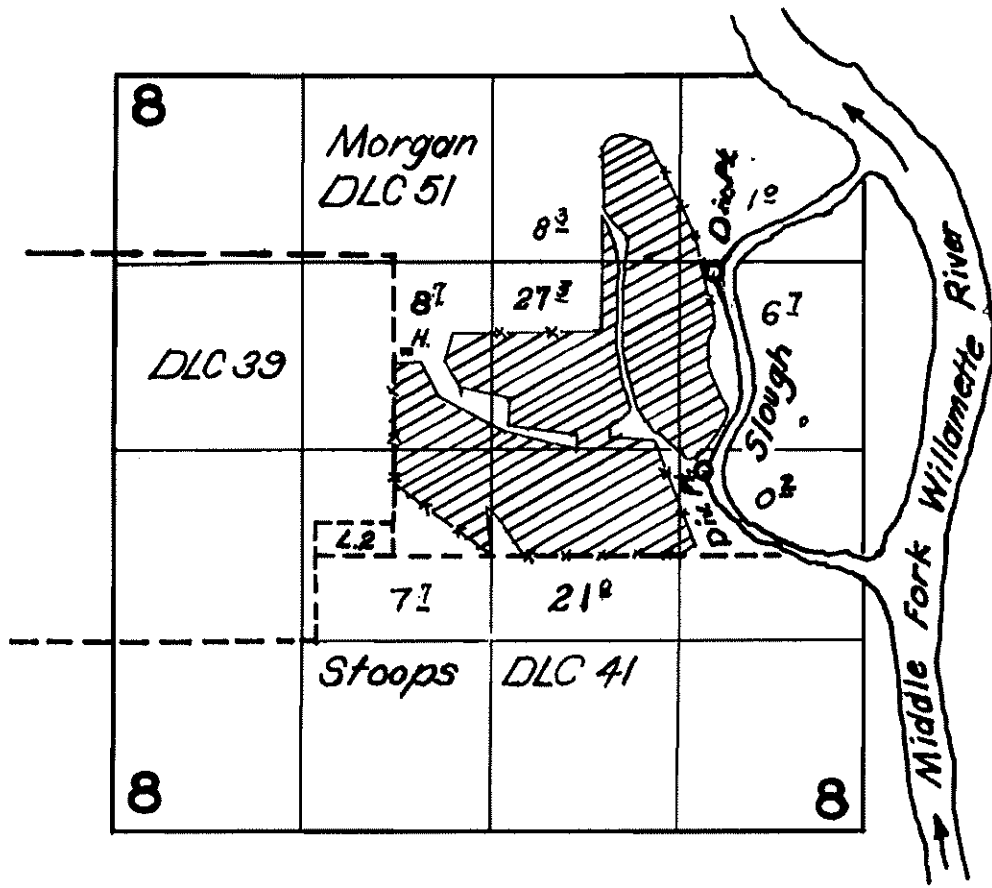
WITNESS the signature of the State Engineer, affixed

this date. MARCH 6 1963

CHRIS L. WHEELER

State Engineer

T.19S. R.1W.W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 31970... Permit No. 25270  
IN NAME OF

Edgar E. Soultz

Surveyed 26 April 1962, by Carl R. Baker



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 5, 2007

LAWRENCE SCHLUCKEBIER  
CAROL SCHLUCKEBIER  
83427 WILLIAMSON LANE  
DEXTER OR 97431

Reference: Historic Transfer 10483

On October 29, 2007 we received your water right transfer application. The application was accompanied by \$400.00. Our receipt 90386 is enclosed.

By copy of this letter, we are asking the Watermaster for a 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.

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)986-0900.

cc: Watermaster #2

enclosure



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 8, 2007

LAWRENCE SCHLUCKEBIER  
CAROL SCHLUCKEBIER  
83427 WILLIAMSON LANE  
DEXTER OR 97431

Reference: Historic Transfer 10483

Attached is a copy of the corrected Notice of Application for your water right transfer application. This will be re-noticed on the November 13, 2007 in the Departments Weekly Public Notice.

Thank you for your phone call and letting me know about the correction.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #2

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 11/13/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Lane  
Transfer: T -10483  
Water Right: Cert: 44405 CF \*  
Priority Date: 1957  
Name: LAWRENCE SCHLUCKEBIER  
Address: 83427 WILLIAMSON LANE; DEXTER OR 97431  
Change: POD  
Source: UNNAMED SLOUGH (SLOUGH CHANNEL OF MID FORK WILLAMETTE RIVER)  
Authorized POD: T19S R1W 8  
Proposed POD: T19S R1W 8

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
11/06/07**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Lane  
Transfer: T -10483  
Water Right: Cert:44405 CF \*  
Priority Date: 1957  
Name: LAWRENCE SCHLUCKEBIER  
Address: 83427 WILLIAMSON LANE; DEXTER OR 97431  
Change: POD  
Source: UNNAMED SL > ~~LOST CREEK~~  
Authorized POD: T19S R1W 8  
Proposed POD: T19S R1W 8

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

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The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

# **ORIGINALS**

**Transfer Application and Map**

**Amendments/Revisions to Appl & Map**

**Receipt**

**Deed or Lot Book Report**

**Notarized Consent**

**Evidence of Use Affidavit**

**Land Use Information Form**

**Lien Holder Notification *(if applicable)***

**Report of Ownership and Lien Info *(if applicable)***

**&**

**Other Supporting Documentation**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **90386**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Carol &amp; Lawrence Schluckebier</u>	APPLICATION
BY: _____	PERMIT
CASH: <input type="checkbox"/> CHECK.# _____ OTHER: (IDENTIFY) _____	TRANSFER <u>T-10483</u>
<input checked="" type="checkbox"/> 1768 <input type="checkbox"/>	TOTAL REC'D \$ <u>400.00</u>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$ <u>400.00</u>
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	
OTHER (IDENTIFY) _____	
	RECORD FEE
	0202 \$
	0204 \$
	LICENSE FEE
	0219 \$
	0220 \$

**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: **90386** DATED: 10/29/07 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: Carol and Lawrence Schluckebier  
First Last

Address: 83427 Williamson Lane  
Dexter OREGON 97431  
City State Zip

Phone: 541-937-3202 541-744-1975  
Home Work Other

Fax: 541-744-1975 E-Mail address: carol@schluckebier@msn.com

## 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

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**OCT 29 2007**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

**4. PROPOSED CHANGE(S) TO WATER RIGHT(S)**

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	<u>Application / Decree</u>	<u>Permit / Previous Transfer</u>	<u>Certificate</u>
1.	S - 31970	S-25217, T-2567	44405
2.			
3.			
4.			
5.			
6.			

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WATER RESOURCES DEPT  
SALEM, OREGON

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - Place of Use       Point of Diversion (POD)       Additional Point of Diversion
  - Character of Use       Point of Appropriation (POA, or well)       Additional POA
  - Instream Transfer       Surface Water POD to Ground Water POA
  - Substitution of Supplemental Groundwater right for Primary Surface water right
  - Historic POD change       Other
- Reason(s) for change(s): Wrong POD used since before 1984

**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

10 horse power 220 volts 3 Phase Pump; 800 ft 4 inch main line; 32-40ft 3" laterals with sprinklers

- System capacity: 0.5 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

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**8. LOCAL GOVERNMENTS**

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Lane County

125 E 8th Ave.

Eugene, OR 97401

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**WATER RESOURCES DEPT**  
**SALEM, OREGON**

**9. LAND OWNERSHIP**

- Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No

If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?  
 Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

City State Zip

- Check one of the following:
  - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
  - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
  - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

**10. Other Remarks (optional)**

No Change in Ownership Anticipated

**RECEIVED**

OCT 29 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**11. ATTACHMENTS**

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

**Supplemental Form A –**

**Description of Proposed Change(s) to a Water Right**

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

**Supplemental Form B –**

**Evidence of Use Affidavit(s)**

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit must be accompanied by **supporting documentation.**

**Map**

- Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

**Water Well Report(s)/Well Log(s):**

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

**Land Use Information For Proposed Changes:**

*For Instream Transfers:*

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

*For All Other Transfers:*

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
  - 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, *and*
  - 4 Irrigation only.

**Fees:**

- Amount enclosed: \$ 400.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**Instream Water Right Transfers, also include:**

**Supplemental Form C –**

**Instream Water Right Transfer**

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

**Temporary Transfers, also include:**

**Recorded Deed:**

- The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

**Affidavit of Consent:**

- If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

**RECEIVED**

**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**12. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted, and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

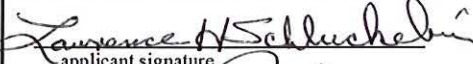
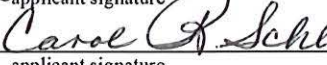
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

▪ I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Lawrence H. Schluckebier name and title if applicable (print)	10-26-07 date
 applicant signature	Carol R. Schluckebier name and title if applicable (print)	10-26-07 date

**RECEIVED**

**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 44405

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	<p align="center">Proposed new use:</p> <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

**RECEIVED**  
**OCT 29 2007**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

**2. CURRENT WATER RIGHT INFORMATION**

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certified Right	<u>44405</u> Certificate Number	<u>S-25217</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: E.E. Soultz
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): Nov. 13, 1957

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Unnamed Slough, Channel of Middle Fork

Tributary to: Middle Fork Willamette River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
  - Yes
  - No
  - N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? \_\_\_\_\_

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

**RECEIVED**

**OCT 29 2007**

**WATER RESOURCES DEPT  
SALEM OREGON**

▪ Certificate Number or other identifying number: 44405

The following information **must be provided only** for those points of diversion or appropriation that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	unnamed Slough	19S	1W	WM	8	SENE	DLC 51	180' N & 370' W from E ¼ Cor Sec 8
	11-13-57							

▪ Does the water right being transferred involve a ground water source(s)?

Yes  No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	N/A								

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▪ Certificate Number or other identifying number: 44405

**3. PROPOSED CHANGES TO THE WATER RIGHT**

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Unnamed Slough	19S	1W	NM	8	NENE	TL103	790ft.N. & 2340'E. from NE Cor DLC 39

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

**Construction of Proposed Point(s) of Appropriation or Well(s)**

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

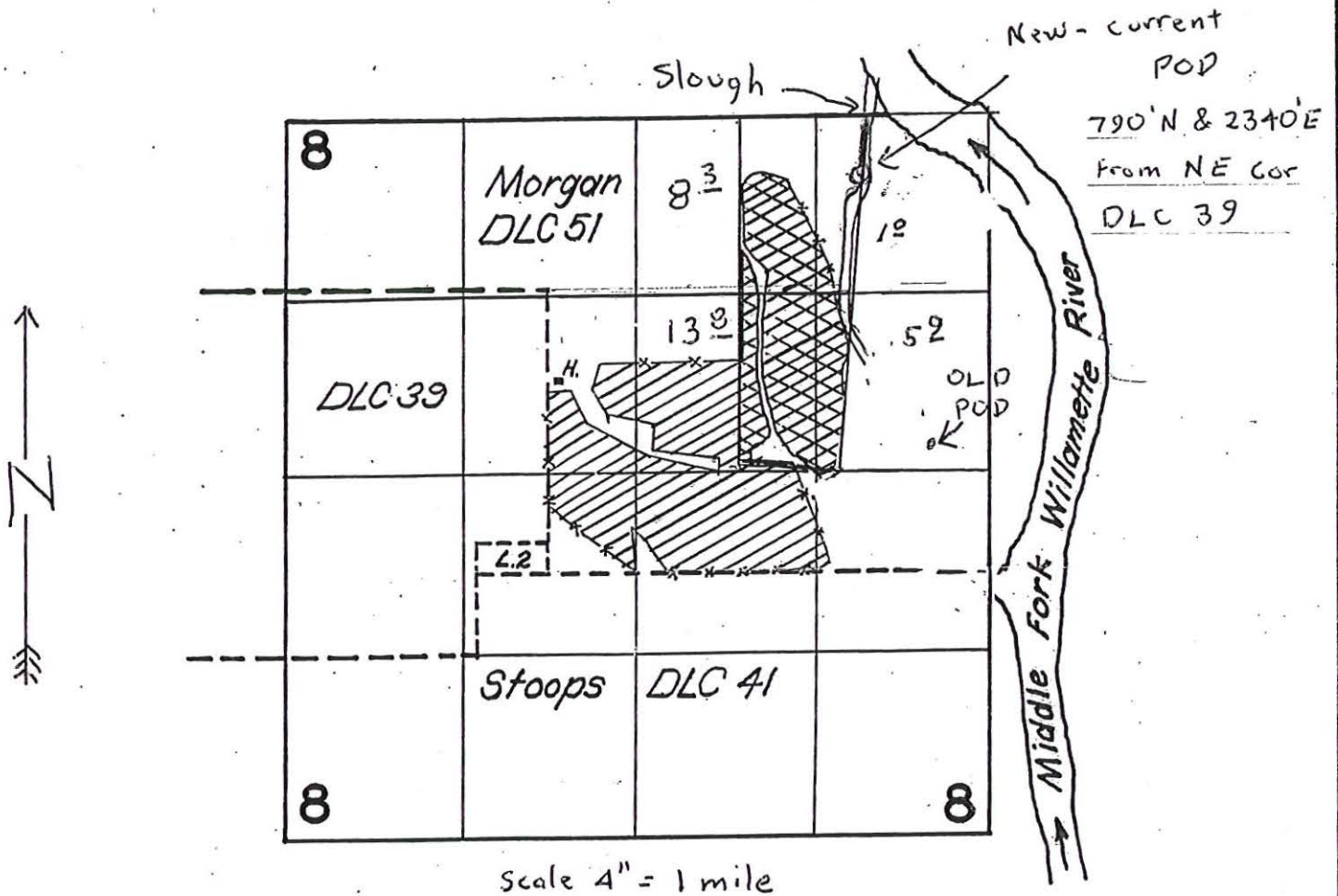
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T.19S. R.1W.W.M.



Historical Point of Diversion Change



Affecting These Lands

All on TL 103

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Permit S-25217

cert 44405

# Dear Customer Service Group :

This application has received our assistance here in Watermaster District 2.

by Michael Mattick Phone # 541 682-3620  
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- Application
- Map
- Other

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**Water Right Transfer Supplemental Form B  
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
County of Lane )

I, Carol Ruth Schluckebier in my capacity as land owner,  
mailing address 83427 Williamson Lane Dexter OR 97431  
telephone number (541) 937-3202, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)	
19	S	1	W	WM	8	NENE TL103	1
19	S	1	W	WM	8	NWNE TL103	8.3
19	S	1	W	WM	8	SWNE TL103	13.8
19	S	1	W	WM	8	SENE TL103	5.9

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(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):  
irrigating alfalfa and other forage grass  
crops sold for hay.

5. The water delivery system used to apply water as authorized by the right is described below:  
10 horse power 220 volts 3 phase pump  
800 feet 4 inch main line  
3 inch laterals with sprinklers

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number \_\_\_\_\_,
- Other: \_\_\_\_\_

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Carol Ruth Schuckebier  
Signature of Affiant

10-26-07  
Date

Signed and sworn to (or affirmed) before me this 26<sup>th</sup> day of October, 2007.



Stephanie Crapser  
Notary Public for Oregon

My Commission Expires: August 12, 2011

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



**EMERALD PEOPLE'S UTILITY DISTRICT**

33733 Seavey Loop Road  
Eugene, Oregon 97405-9614  
(541) 746-1583  
1-800-422-4086 - Oregon  
www.epud.org

1 \*\* CLOSING BILL \*\*

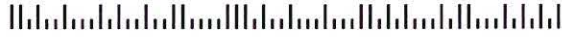
BILLING DATE - 11/21/06

<b>ACCOUNT NUMBER</b>	<b>DUE DATE</b>
[REDACTED]	12/01/06

<b>TOTAL DUE</b>
211.71

\*\*COPY\*\*

**YES - I want to "Round-Up" for Helping Hand.**



LARRY SCHLUCKEBIER  
83427 WILLIAMSON LN  
DEXTER, OR 97431-9715

AGR PUMPING-THREE 41T

<b>OFFICE USE ONLY</b>

EMERALD PEOPLE'S UTILITY DISTRICT

PLEASE RETURN THE ABOVE STUB WITH PAYMENT

**ACCOUNT NUMBER:** [REDACTED]  
**NAME:** SCHLUCKEBIER, LARRY  
**METER NUMBER:** 50786872  
**FOR SERVICE AT:** 83427 WILLIAMSON LN DX  
 PUMP-IRRIGATION

**PREVIOUS BALANCE** 24.00  
**PAYMENTS** 24.00CR  
**BALANCE FORWARD** .00

SERVICE DATES	DAYS	PREVIOUS METER READ	CURRENT METER READ	MULT	UNITS USED	AMOUNT
	58	46003	49804	1	3801	

DISTRIBUTION & FRANCHISE 2.350 CENTS PER KWH X 3801 = 89.32  
 ENERGY CHARGE 3.220 CENTS PER KWH X 3801 = 122.39

TOTAL DUE

-----  
211.71

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 SALEM, OREGON

EMERALD HAS 0% LOANS AVAILABLE FOR HOME WEATHERIZATION, HEAT PUMPS & SOLAR WATER HEATERS. CALL US TODAY.

THIS IS A HISTORY OF YOUR ELECTRIC USAGE DURING THE PAST YEAR.

SERVICE TO	DAYS	TEMP	KWH USED	AVG. KWH/DAY
10/30/06	58		3801	66
			10483	

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33733 Seavey Loop Road  
Eugene, Oregon 97405-9614  
(541) 746-1583  
1-800-422-4086 - Oregon  
www.epud.org

1 \*\* CLOSING BILL \*\*

BILLING DATE - 9/28/06

ACCOUNT NUMBER	DUE DATE
[REDACTED]	10/08/06

TOTAL DUE
24.00

\*\*COPY\*\*

**YES - I want to "Round-Up" for Helping Hand.**



LARRY SCHLUCKEBIER  
83427 WILLIAMSON LN  
DEXTER, OR 97431-9715

AGR PUMPING-THREE 41T

OFFICE USE ONLY

EMERALD PEOPLE'S UTILITY DISTRICT

PLEASE RETURN THE ABOVE STUB WITH PAYMENT

**ACCOUNT NUMBER:** [REDACTED]  
**NAME:** SCHLUCKEBIER, LARRY  
**METER NUMBER:** 50786872  
**FOR SERVICE AT:** 83427 WILLIAMSON LN DX  
 PUMP-IRRIGATION

**PREVIOUS BALANCE** 24.00  
**PAYMENTS** 24.00CR  
**BALANCE FORWARD** .00

SERVICE DATES	DAYS	PREVIOUS METER READ	CURRENT METER READ	MULT	UNITS USED	AMOUNT

MONTHLY BASIC SERVICE 24.00  
 -----  
 TOTAL DUE 24.00

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SERVICE TO	DAYS	TEMP	KWH USED	AVG. KWH/DAY
			10483	

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**EMERALD PEOPLE'S UTILITY DISTRICT**

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Eugene, Oregon 97405-9614  
(541) 746-1583  
1-800-422-4086 - Oregon  
www.epud.org

1 \*\* CLOSING BILL \*\*

BILLING DATE - 8/30/06

<b>ACCOUNT NUMBER</b>	<b>DUE DATE</b>
[REDACTED]	9/10/06

<b>TOTAL DUE</b>
24.00

\*\*COPY\*\*

**YES - I want to "Round-Up" for Helping Hand.**



LARRY SCHLUCKEBIER  
83427 WILLIAMSON LN  
DEXTER, OR 97431-9715

AGR PUMPING-THREE 41T

<b>OFFICE USE ONLY</b>

EMERALD PEOPLE'S UTILITY DISTRICT

↑ PLEASE RETURN THE ABOVE STUB WITH PAYMENT ↓

**ACCOUNT NUMBER:** [REDACTED]  
**NAME:** SCHLUCKEBIER, LARRY  
**METER NUMBER:** 50786872  
**FOR SERVICE AT:** 83427 WILLIAMSON LN DX  
 PUMP-IRRIGATION

**PREVIOUS BALANCE** 122.49  
**PAYMENTS** 122.49 CR  
**BALANCE FORWARD** .00

SERVICE DATES	DAYS	PREVIOUS METER READ	CURRENT METER READ	MULT	UNITS USED	AMOUNT

MONTHLY BASIC SERVICE 24.00  
 -----  
 TOTAL DUE 24.00

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SERVICE TO	DAYS	TEMP	KWH USED	AVG. KWH/DAY
			1 10483	

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Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Carol and Lawrence Schluckebier
Mailing Address: 83427 Williamson Lane
City: Dexter State: OR Zip: 97431 Day Phone: 541-937-3202

This application is related to a Measure 37 claim. [ ] Yes [X] No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Row 1: 195, 1, 8, 103, Irrig.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Lane County Dexter

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- [ ] Permit to Use or Store Water [X] Water-Right Transfer [ ] Exchange of Water
[ ] Allocation of Conserved Water [ ] Limited Water Use License
[ ] Permit Amendment or Ground Water Registration Modification

Source of water: [ ] Reservoir/Pond [ ] Ground Water [X] Surface Water (name) Unnamed Slough > Mid. FK. W.R.

Estimated quantity of water needed: 0.5 [X] cubic feet per second [ ] gallons per minute [ ] acre-feet

Intended use of water: [X] Irrigation [ ] Commercial [ ] Industrial [ ] Domestic for household(s)
[ ] Municipal [ ] Quasi-municipal [ ] Instream [ ] Other

Briefly describe: Historical Point of Diversion Change, to get water right records to match actual pump location

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

I 10483

## For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the 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): LANE CODE 16.212.(3)(a)

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
**If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OREGON

Name: RAPHAEL SEBBA Title: PLANNER  
 Signature: RCS Phone: 541.682.4620 Date: 10.11.07  
 Government Entity: LANE COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



**First American**

*First American Title Insurance Company of Oregon*  
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Eugene, OR 97401  
Phn - (541)484-2900  
Fax - (541)484-7321

**JAN ANDERSON**  
TITLE OFFICER  
jananderson@firstam.com

**LIEN AND ENCUMBRANCE SEARCH**

Carol Schluckebier  
83427 Williamson Ln  
Dexter, OR 97431

October 19, 2007  
File No.: 7199-1128860

Fee: \$100.00

We hereby certify that we have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of October 12, 2007 at 8:00 a.m.

Vested of Record in:

Lawrence H. Schluckebier and Carol R. Schluckebier, husband and wife

Subject to:

1. Taxes for the year 2007-2008

Tax Amount	\$	3,986.19
Unpaid Balance:	\$	3,986.19, plus interest and penalties, if any
Code No.:		00116
Map & Tax Lot No.:		1901080000103
Property ID No.:		1415775

2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

We have also searched our General Index for Judgment and State and Federal Tax Liens against the vestee and find the following:

NONE



This report is made for the purpose herein specified and for this reason liability hereunder is expressly limited to the sum paid therefore. THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lien and Encumbrance Search and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

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**SALEM OREGON**

**Exhibit "A"**

Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A POINT BEING NORTH 742.42 FEET AND EAST 1490.37 FEET FROM AN IRON PIN MARKING THE SOUTH-SOUTHWEST CORNER OF THE JOHN MORGAN DONATION LAND CLAIM NO. 51, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; SAID POINT BEING SOUTH 2° 44' 44" WEST 10.07 FEET FROM THE SOUTHEAST CORNER OF THE DEED TO ALAN HUMPHREY FROM EDGAR AND DOROTHY SOULTS, RECORDED OCTOBER 15, 1976 IN REEL 816, RECEPTION NO. 76-54195, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE PARALLEL WITH SAID DEED LINE NORTH 2° 44' 44" EAST 2591.66 FEET TO THE NORTHWEST CORNER OF COUNTY SURVEY NO. 495 PER COUNTY SURVEY FILE NO. 13594; THENCE SOUTH 87° 41' 40" EAST 977.17 FEET TO THE NORTHWEST CORNER OF THAT TRACT CONVEYED TO THE STATE OF OREGON BY DEED RECORDED MAY 24, 1976 IN REEL 796, RECEPTION NO. 76-24722, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE ALONG THE WESTERLY LINE OF SAID TRACT SOUTH 8° 16' 40" WEST 2456.12 FEET; THENCE LEAVING SAID TRACT SOUTH 28° 00' 00" WEST 75.55 FEET; THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE RIGHT (THE CHORD OF WHICH CURVE BEARS SOUTH 72° 00' 00" WEST 125.04 FEET) A DISTANCE OF 138.23 FEET; THENCE NORTH 64° 00' 00" WEST 82.00 FEET; THENCE ALONG THE ARC OF A 194.00 FOOT RADIUS CURVE LEFT (THE CHORD OF WHICH CURVE BEARS NORTH 88° 00' 00" WEST 157.81 FEET) A DISTANCE OF 162.53 FEET; THENCE SOUTH 68° 00' 00" WEST 114.00 FEET; THENCE ALONG THE ARC OF A 380.00 FOOT RADIUS CURVE RIGHT (THE CHORD WHICH CURVE BEARS SOUTH 84° 54' 30" WEST 221.04 FEET) A DISTANCE OF 224.28 FEET; THENCE NORTH 78° 11' 00" WEST 36.00 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

TOGETHER WITH A PERPETUAL EASEMENT FOR THE MAINTENANCE AND OPERATION OF AN IRRIGATION PUMP AND PIPE LINE ON THE PROPERTY DESCRIBED IN DEED TO THE STATE OF OREGON RECORDED MAY 24, 1976 IN REEL 796, RECEPTION NO. 76-24722, OFFICIAL RECORDS OF LANE COUNTY, OREGON, FOR THE PURPOSE OF PROVIDING WATER FROM THE WILLAMETTE RIVER TO THE MAIN TRACT HEREIN.

TOGETHER WITH A EASEMENT FOR INGRESS AND EGRESS AS FOLLOWS:

A 20 FOOT ROAD EASEMENT, BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

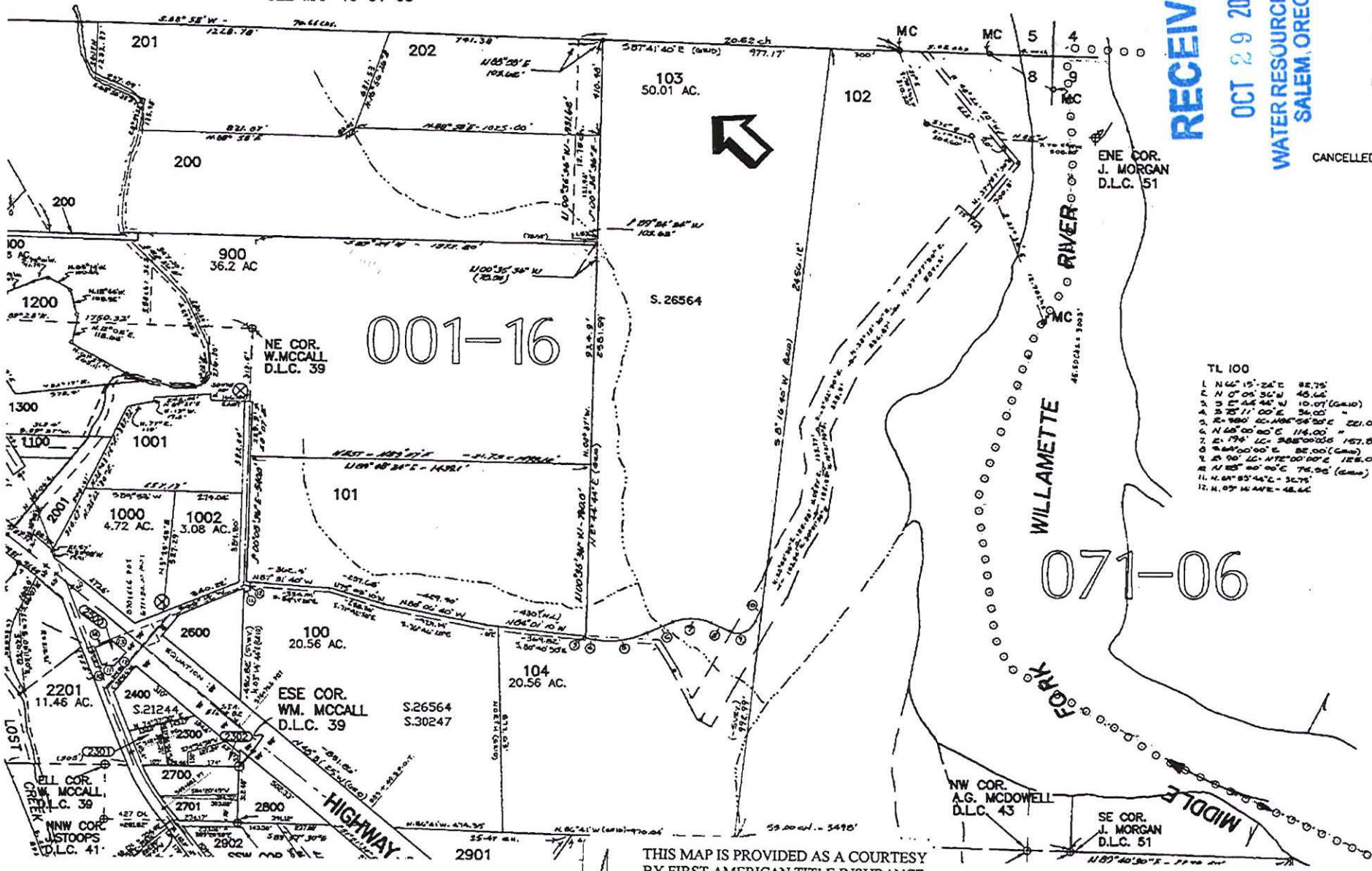
BEGINNING AT A POINT BEING NORTH 3° 14' 44" EAST 1023.88 FEET FROM AN IRON PIN MARKING THE SOUTH-SOUTHWEST CORNER OF THE JOHN MORGAN DONATION LAND CLAIM NO. 51, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 84° 11' 20" EAST 362.50 FEET; THENCE SOUTH 71° 42' 50" EAST 237.68 FEET; THENCE SOUTH 76° 46' 20" EAST 429.90 FEET; THENCE SOUTH 80° 40' 50" EAST 614.77 FEET; THENCE NORTH 68° 00' 00" EAST 200.38 FEET; THENCE ALONG THE ARC OF A 184.00 FOOT RADIUS CURVE RIGHT (THE CHORD OF WHICH CURVE BEARS SOUTH 88° 00' 00" EAST 149.68 FEET) A DISTANCE OF 154.15 FEET; THENCE SOUTH 64° 00' 00" EAST 82.00 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE LEFT (THE CHORD OF WHICH CURVE BEARS NORTH 72° 00' 00" EAST 138.93 FEET) A DISTANCE OF 153.59 FEET; THENCE NORTH 28° 00' 00" EAST 47.65 FEET TO THE POINT OF TERMINUS, IN LANE COUNTY, OREGON.

Tax Parcel Number: 1415775

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**SALEM, OREGON**

SCALE 1" = 400'

SEE MAP 19 01 05



001-16

071-06

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CANCELLED

T 10483

SEE MAP 19 01 09

- TL 100
1. N 66° 15' 24" E 82.75'
  2. N 0° 05' 30" W 46.66'
  3. S 5° 48' 48" W 10.07' (G.M.)
  4. S 75° 11' 00" E 34.00'
  5. E 78° 00' 00" W 58' 22" E 221.04'
  6. N 68° 00' 00" E 114.00'
  7. E 79° 10' 00" W 388' 00" 00" 167.51'
  8. S 88° 00' 00" E 82.00' (G.M.)
  9. S 89° 45' 47" 00" 00" E 128.04'
  10. N 85° 00' 00" E 76.00' (G.M.)
  11. N 64° 05' 44" E - 35.75'
  12. N 07° 14' 44" E - 48.64'

THIS MAP IS PROVIDED AS A COURTESY BY FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON TO ASSIST IN LOCATING SAID PREMISES AND THE COMPANY ASSUMES NO LIABILITY FOR ITS ACCURACY OR FOR MATTERS THAT MAY BE DISCLOSED BY A SURVEY.