

Name M. P. Daughters & Erma R. Daughters
By Rt 1, Box 103A
 Address Gaston, Oregon

Application No. 23708
 Permit No. 18722
 Certificate No. 22468

Stream Index, Page No. 2-54B

FEEES PAID

Date	Amount	Receipt No.
<u>4/18/49</u>	<u>15.00</u>	<u>6776</u>
<u>7/18/49</u>	<u>.10</u>	<u>6776</u>
<u>J-26-57</u>	<u>\$1 Cert. Fee</u>	<u>10724</u>

Date filed April 14, 1949
 Priority April 14, 1949
 Action suspended until

FEEES REFUNDED

Date	Amount	Check No.
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ASSIGNMENTS

Date	To Whom	Address	Volume	Page
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Returned to applicant
 Date of approval September 15, 1949

CONSTRUCTION

Date for beginning September 15, 1950
 Date for completion October 1, 1951
 Extended to
 Date for application of water October 1, 1952
 Extended to

REMARKS

0.225 cfs from Tualatin River (Willamette River) for the irrigation of 18.0 acres.

PROSECUTION OF WORK

Form "A" filed December 28, 1949
 Form "B" filed February 6, 1951
 Form "C" filed February 6, 1951

FINAL PROOF

Blank mailed Nov 18, 1956
 Proof received
 Date certificate issued MAY 8 1957

Form A

NOTICE OF BEGINNING OF CONSTRUCTION

I, M. P. and Erma R. Daughton, the holder of Permit No. 18722 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of May, 1949.

Remarks: Installed pump, and lines to irrigate (7) seven acres

The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed

Nov 1st - 1949 cleared an additional seven (7) acres for 1950 up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

irrigation). Had Bulldozers clear the ground, did all other work myself.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of December, 1949

M. P. Daughton (Signature of Applicant)

Rt 1 Box 103A Gaston, Oregon (Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

STATE PRINTING DEPT.

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

I, M. P. and Erma R. Daughton, the holder of Permit No. 18722 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 6th day of February, 1951.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 1951.

M. P. Daughton (Signature of Applicant)

Rt 1 Gaston Oregon (Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, M. P. Daughton, the holder of Permit No. 18722 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 6th day of February, 1951.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 1951.

M. P. Daughton (Signature of Applicant)

Rt 1 Gaston Oregon (Address)



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
County of Clackamas) ss AFFIDAVIT ASSERTING
NON-USE OF WATER RIGHT

1. I, Jason Staehely
(Legal Name)
of 21367 S Central Point Rd.
Oregon City (Address) OR 97045
(City) (State) (Zip Code)

Phone (503) 539 3764, say that:

2. Water Right Certificate number 20443,
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 2300, 2303, & 2390, in Township 3 S
~~XXX~~, Range 2 E ~~XXX~~, in the SW-NE, NW-SE, & NE-SE 1/4, of
Section(s) 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived a mile away since 2015, before that I worked in Oregon City commuting by the property frequently. From the road I could see no evidence of water usage from 2009 to 2018. In 2020 and 2019 they began using water, as a result I noticed a significant reduction in our downstream water supply.

C2-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

Irrigation From 01/2010 Through 01/2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

_____ From _____ Through _____
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 20.0 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. JB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. JB (Initial to indicate you have read this statement and understand your responsibilities).

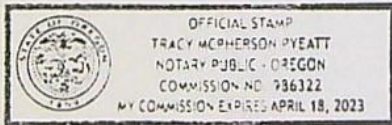
C2-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Stuebel
(Signature of Affiant)

Sworn to and subscribed before me this 8th Day of January 2021.



(SEAL)

Tracy McPherson Pyeatt
(Notary Public of Oregon)
My Commission Expires 4-18-23

SECTION 18 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 400'

D. L. C.'S
JOHN S. HOWLAND NO. 45
BENJAMIN MAILE NO. 50

ASSESSOR
MAP

Cancelled Taxlots

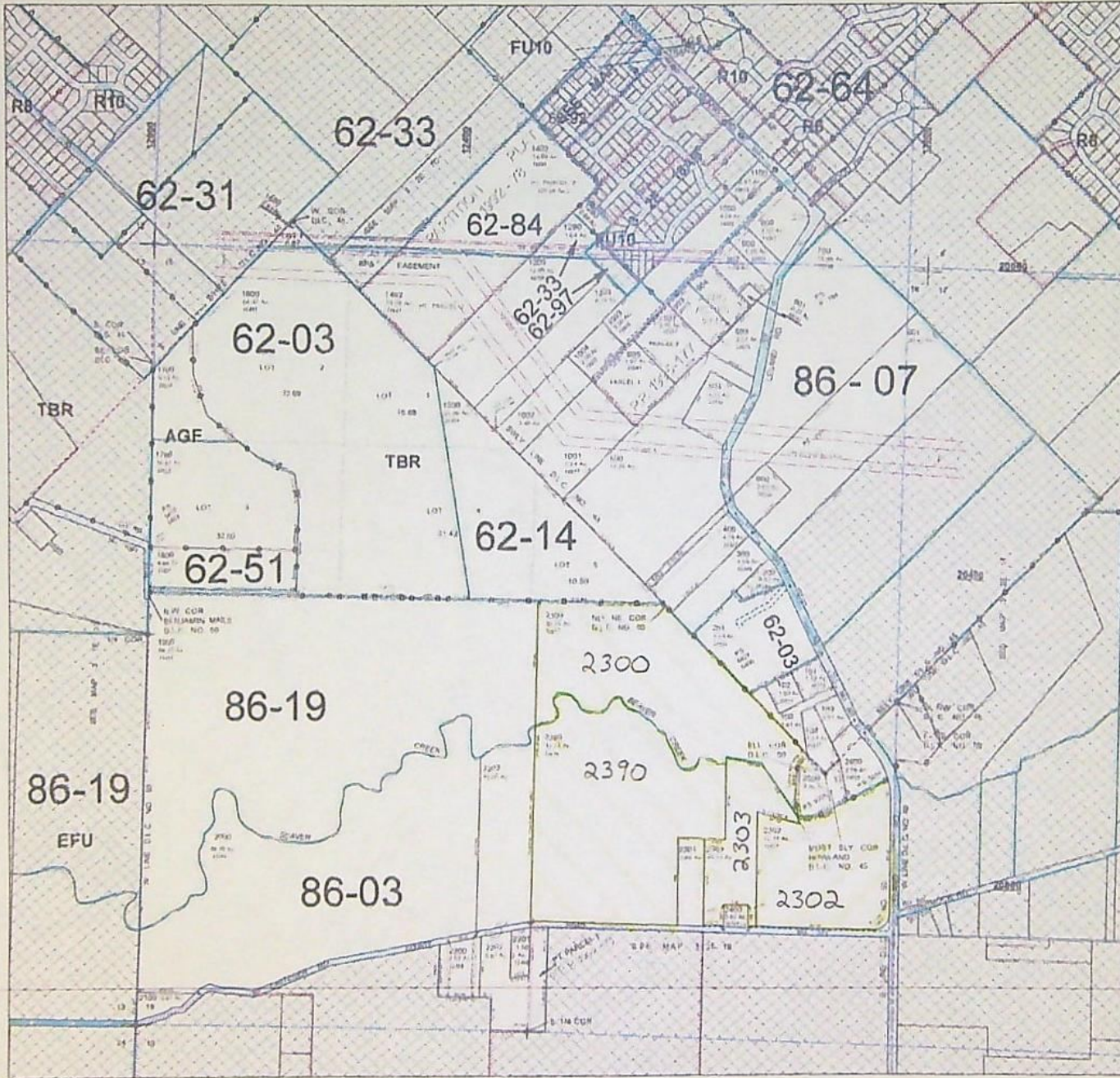
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- Parcel Boundary
- Thruway Road ROW
- Historical Boundary
- Right-of-Way Centerline
- Text/Label Line
- Map Index
- Water Line
- Land Use Zoning
- Plan
- Water
- Capitol
- Section Corner
- Section Line
- Open 1st Line
- Drill Line
- Meander Line
- PL 55 Section Line
- Section Corner 45
- Section Corner 20



ATTACH
D-1/1

THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



Rec'd at OWRD electronically on 1/25/2021

ATTACH F - 1/4

Clackamas County Parcel Information



TICOR TITLE COMPANY

TL2390

Parcel Information

Parcel #: 01492753
 Tax Lot: 32E18 02390
 Site Address: 12617 S Criteser Rd
 Oregon City OR 97045 - 9708
 Owner: Germany Loretta Jean Trustee
 Owner2:
 Owner Address: 12617 S Criteser Rd
 Oregon City OR 97045 - 9708
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 32.73 Acres (1,425,719 SqFt)
 Plat/Subdivision:
 Lot:
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 023002 / 2008
 Waterfront:
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$3,839.92
 Exempt Description:

Legal

SEE SPLIT CODE ACCT 02300|Y|183,641

Assessment Information

Market Value Land:	\$427,862.00
Market Value Impr:	\$410,950.00
Market Value Total:	\$838,812.00
Assessed Value:	\$270,069.00

Land

Cnty Land Use: 551 - EFU farmland improved
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built: 1936	Stories: 1	Fin. SqFt: 2,828
Bedrooms: 3	Bathrooms: 1	Garage:
Exterior Wall Type: Wood Shake/Shingle	Basement Fin. SqFt:	Fireplace: 1
Heat: Forced Air Oil	Roof Type-Cover: Gable - Composition	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Clackamas County Parcel Information



TICOR TITLE COMPANY

F-3/4

Parcel Information

Parcel #: 00885787
 Tax Lot: 32E18 02302
 Site Address: 12911 S Criteser Rd
 Oregon City OR 97045 - 9708
 Owner: Preciado, Jaime L
 Owner2:
 Owner Address: 12911 S Criteser Rd
 Oregon City OR 97045 - 9708
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 17.41 Acres (758,380 SqFt)
 Plat/Subdivision:
 Lot: 2302
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 023002 / 2008
 Waterfront:
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$1,901.21
 Exempt Description:

TL 2302

Legal

Section 18 Township 3S Range 2E TAX LOT 02302|Y|183,641

Assessment Information

Market Value Land: \$649,370.00
 Market Value Impr: \$118,100.00
 Market Value Total: \$767,470.00
 Assessed Value: \$133,716.00

Land

Cnty Land Use: 551 - EFU farmland improved
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stones:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 08/21/2003	Sale Price:	Doc Num: 2003-111418	Doc Type: Deed
Owner: Jaime L Preciado		Grantor:	
Orig. Loan Amt: \$243,000.00		Title Co: LAWYERS TITLE INSURANCE CORP.	
Finance Type: FIX	Loan Type: Conventional	Lender: LONG BCH MTG CO	

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Clackamas County Parcel Information



TICOR TITLE COMPANY

F-4/4

Parcel Information

Parcel #: 00885769
 Tax Lot: 32E18 02300
 Site Address:
 OR 97045
 Owner: Germany Loretta Jean Trustee
 Owner2:
 Owner Address: 12617 S Criteser Rd
 Oregon City OR 97045
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 30.55 Acres (1,330,758 SqFt)
 Plat/Subdivision:
 Lot:
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 022606 / 1068
 Waterfront:
 Building Use:

Tax Information

Levy Code Area: 086-019
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$89.54
 Exempt Description:

TL 2300

Legal

SEE SPLIT CODE ACCT 02390|Y|183,641

Assessment Information

Market Value Land:	\$350,549.00
Market Value Impr:	\$0.00
Market Value Total:	\$350,549.00
Assessed Value:	\$6,298.00

Land

Cnty Land Use: 550 - EFU farmland vacant
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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**CERTIFICATE OF SERVICE
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 21ST Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST
Address: 12617 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

Name: JAME L. PRECIADO
Address: 12911 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

[/s/ Signature]

Title

AGENT FOR STAEHEL

ATTACH B - 1/1

From: Jason Staehely
Sent: Friday, January 15, 2021 12:54 PM
To: Eric Urstadt
Subject: Re: Affidavit asserting non use of water right - forfeiture

Hello Eric.
We approve of you acting as our agent for asserting non-use of water right forfeiture affidavit.

Thanks Jason

-
On Fri, Jan 15, 2021, 11:06 AM Eric Urstadt <ericurstadt@hotmail.com> wrote:

Jason,

There's one small thing left for you to do, and here is the explanation.

Everything looks good as far as the signed affidavits. There was a "certificate of service", which you (correctly) did not fill out. I am working on getting the accurate owner names and owner mailing addresses to complete that form. When I get that information, I will fill out the form and scan the whole packet. I will send a copy to you and Water Resources Department (WRD), and a hard copy to the landowners of the lands that were not watered. *I will certify that I mailed the packets to the listed landowners when I do that.*

All I need is your permission to act as your agent in doing the above mailing. If you respond to me by emailing me back if you approve of me acting as your agent for the above task - that should work just fine.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying

ATTACH C4-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon) AFFIDAVIT ASSERTING
) ss NON-USE OF WATER RIGHT
County of CLACKAMAS)

1. I, Paul Staehely
(Legal Name)
of 21303 S. Central Point RD
(Address)
Oregon City OR 97045
(City) (State) (Zip Code)

Phone (503) 7066297, say that:

2. Water Right Certificate number 20443
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 2300, 2303, & 2390, in Township 3 S
~~XXX~~ Range 2 E ~~XXX~~, in the SW-NE, NW-SE, & NE-SE 1/4, of
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I TRAVEL BY THE PROPERTY GOING TO TOWN ON A REGULAR BASIS IT IS EASY TO SEE FROM THE ROAD WHAT IS HAPPENING ON THE PROPERTY

C4-2/3



6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

irrigation From 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

~~1-2005~~ irrigation From 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 20 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).

C4-3/3

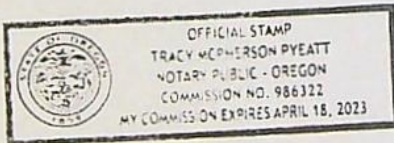


Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Paul Stachely

(Signature of Affiant)

Sworn to and subscribed before me this 8TH Day of January, 2021.



(SEAL)

Tracy McPherson Pyeatt

(Notary Public of Oregon)
My Commission Expires 4-18-23

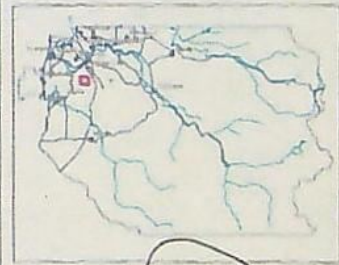
SECTION 18 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 400'

D. L. C.'S
JOHN S. HOWLAND NO. 45
BENJAMIN MAILLS NO. 50

Cancelled Taxlots

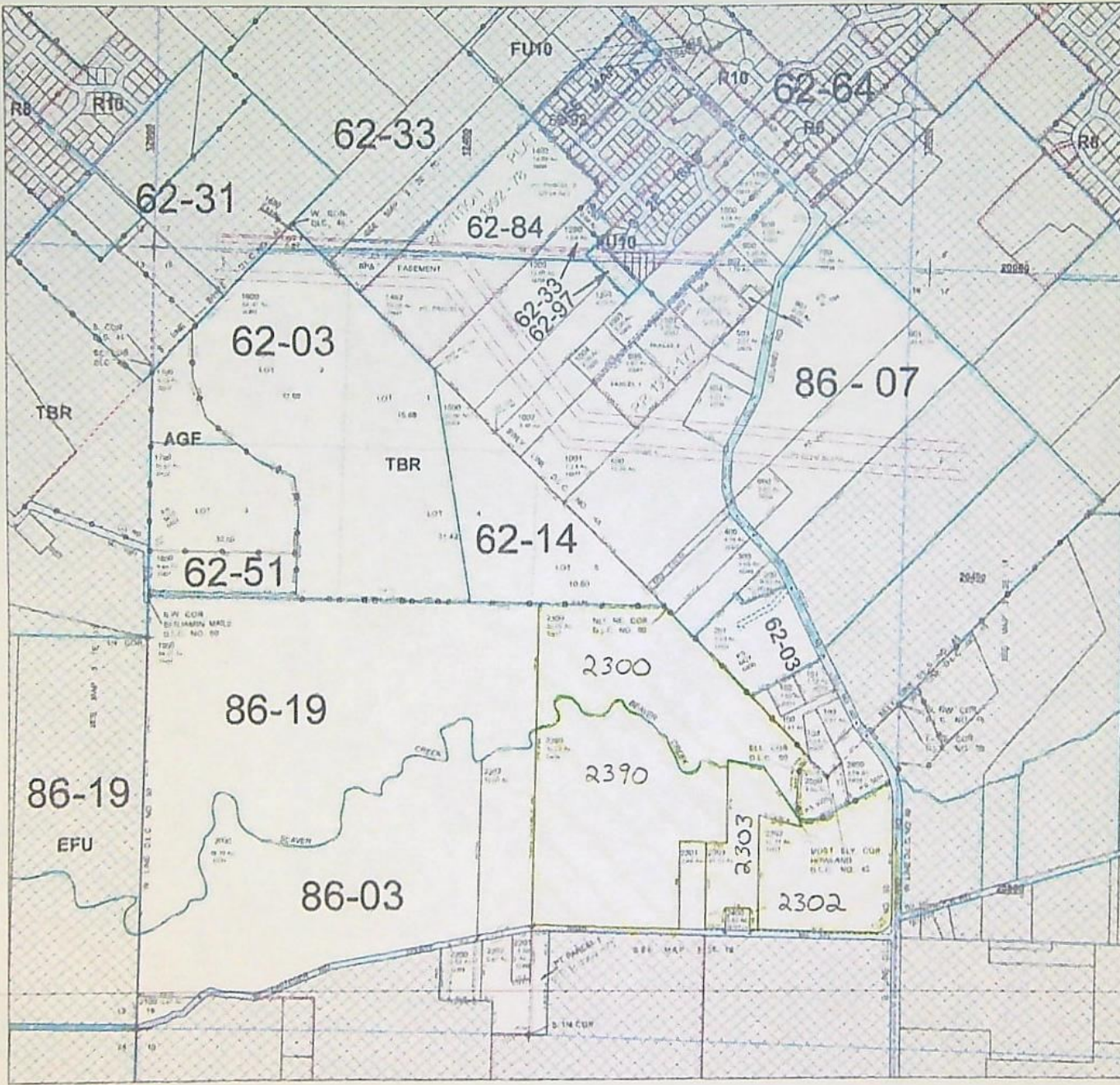
ASSESSOR
MAP

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Roadway Centerline
- Watercourse
- Map Point
- Watercourse
- Land Use Zoning
- Plat
- Water
- Corner
- Section Corner
- Section Line
- Dist Lot Line
- Dist Line
- Mileage Line
- PLSR Section Line
- Headright Corridor (1)
- Headright Corridor (2)



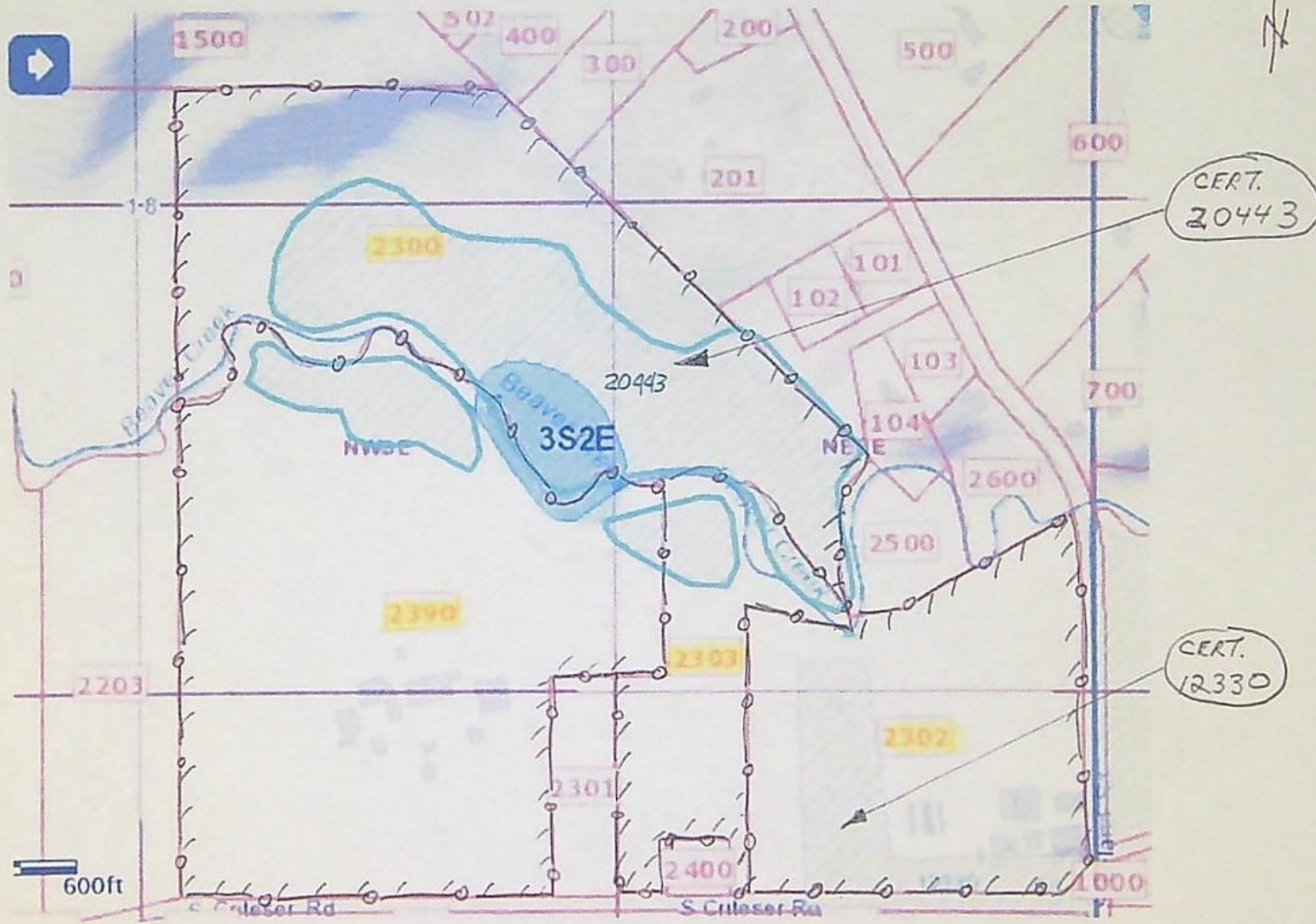
ATTACH
D-1/1

THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



Rec'd at OWRD electronically on 1/25/2021

E 1/2 S18 (3S-2E)
CLACKAMAS COUNTY



ATTACH E Y I

ATTACH F - 1/4

Clackamas County Parcel Information



TICOR TITLE COMPANY

TL2390

Parcel Information

Parcel #: 01492753
 Tax Lot: 32E18 02390
 Site Address: 12617 S Criteser Rd
 Oregon City OR 97045 - 9708
 Owner: Germany Loretta Jean Trustee
 Owner2:
 Owner Address: 12617 S Criteser Rd
 Oregon City OR 97045 - 9708
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 32.73 Acres (1,425,719 SqFt)
 Plat/Subdivision:
 Lot:
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 023002 / 2008
 Waterfront:
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$3,839.92

Exempt Description:

Legal

SEE SPLIT CODE ACCT 02300|Y|183,641

Assessment Information

Market Value Land:	\$427,862.00
Market Value Impr:	\$410,950.00
Market Value Total:	\$838,812.00
Assessed Value:	\$270,069.00

Land

Cnty Land Use: 551 - EFU farmland improved
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built: 1936	Stories: 1	Fin. SqFt: 2,828
Bedrooms: 3	Bathrooms: 1	Garage:
Exterior Wall Type: Wood Shake/Shingle	Basement Fin. SqFt:	Fireplace: 1
Heat: Forced Air Oil	Roof Type-Cover: Gable - Composition	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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Clackamas County Parcel Information



TICOR TITLE COMPANY

F-2/4

Parcel Information

Parcel #: 01465774
 Tax Lot: 32E18 02303
 Site Address:
 OR 97045
 Owner: Germany Loretta Jean Trustee
 Owner2:
 Owner Address: 12817 S Criteser Rd
 Oregon City OR 97045
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 10.73 Acres (467,399 SqFt)
 Plat/Subdivision:
 Lot: 2303
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 023002 / 2008
 Waterfront:
 Building Use:

Tax Information

Levy Code Area: 086-003
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$109.76
 Exempt Description:

TL 2303

Legal

Section 18 Township 3S Range 2E TAX LOT 02303|Y|183,641

Assessment Information

Market Value Land: \$425,527.00
 Market Value Impr: \$0.00
 Market Value Total: \$425,527.00
 Assessed Value: \$7,720.00

Land

Cnty Land Use: 550 - EFU farmland vacant
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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Clackamas County Parcel Information



TICOR TITLE COMPANY

F-3/4

Parcel Information

Parcel #: 00885787
 Tax Lot: 32E18 02302
 Site Address: 12911 S Criteser Rd
 Oregon City OR 97045 - 9708
 Owner: Preciado, Jaime L
 Owner2:
 Owner Address: 12911 S Criteser Rd
 Oregon City OR 97045 - 9708
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 17.41 Acres (758,380 SqFt)
 Plat/Subdivision:
 Lot: 2302
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 023002 / 2008
 Waterfront:
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$1,901.21
 Exempt Description:

TL 2302

Legal

Section 18 Township 3S Range 2E TAX LOT 02302[Y]183,641

Assessment Information

Market Value Land:	\$649,370.00
Market Value Impr:	\$118,100.00
Market Value Total:	\$767,470.00
Assessed Value:	\$133,716.00

Land

Only Land Use: 551 - EFU farmland improved
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stones:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 08/21/2003	Sale Price:	Doc Num: 2003-111418	Doc Type: Deed
Owner: Jaime L Preciado		Grantor:	
Orig. Loan Amt: \$243,000.00		Title Co: LAWYERS TITLE INSURANCE CORP.	
Finance Type: FIX	Loan Type: Conventional	Lender: LONG BCH MTG CO	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Clackamas County Parcel Information



F-4/4

Parcel Information

Parcel #: 00885769
 Tax Lot: 32E18 02300
 Site Address:
 OR 97045
 Owner: Germany Loretta Jean Trustee
 Owner2:
 Owner Address: 12617 S Criteser Rd
 Oregon City OR 97045
 Twn/Range/Section: 03S / 02E / 18 / SE
 Parcel Size: 30.55 Acres (1,330,758 SqFt)
 Plat/Subdivision:
 Lot:
 Block:
 Map Page/Grid: 717-C7
 Census Tract/Block: 022606 / 1068
 Waterfront:
 Building Use:

Tax Information

Levy Code Area: 086-019
 Levy Rate: 14.2183
 Tax Year: 2020
 Annual Tax: \$89.54
 Exempt Description:

TL 2300

Legal

SEE SPLIT CODE ACCT 02390|Y|183,641

Assessment Information

Market Value Land:	\$350,549.00
Market Value Impr:	\$0.00
Market Value Total:	\$350,549.00
Assessed Value:	\$6,298.00

Land

Cnty Land Use: 550 - EFU farmland vacant
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District
 Watershed: Abernethy Creek-Willamette River
 Primary School: Carus School
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc
 Neighborhood: Central Point - Leland - New Era
 School District: 86 - Canby
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



**CERTIFICATE OF SERVICE
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

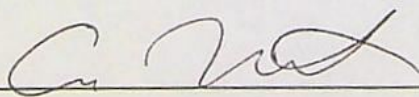
I certify that on 21ST Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST
Address: 12617 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

Name: JAMIE L. PRECIADO
Address: 12911 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

[s/ Signature] 
Title AGENT FOR STACHELY

ATTACH B - 1/1

From: Jason Staehely
Sent: Friday, January 15, 2021 12:54 PM
To: Eric Urstadt
Subject: Re: Affidavit asserting non use of water right - forfeiture

Hello Eric.
We approve of you acting as our agent for asserting non-use of water right forfeiture affidavit.

Thanks Jason

-

On Fri, Jan 15, 2021, 11:06 AM Eric Urstadt <ericurstadt@hotmail.com> wrote:

Jason,

There's one small thing left for you to do, and here is the explanation.

Everything looks good as far as the signed affidavits. There was a "certificate of service", which you (correctly) did not fill out. I am working on getting the accurate owner names and owner mailing addresses to complete that form. When I get that information, I will fill out the form and scan the whole packet. I will send a copy to you and Water Resources Department (WRD), and a hard copy to the landowners of the lands that were not watered. *I will certify that I mailed the packets to the listed landowners when I do that.*

All I need is your permission to act as your agent in doing the above mailing. If you respond to me by emailing me back if you approve of me acting as your agent for the above task - that should work just fine.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED) NOTICE OF PROPOSED ..
CANCELLATION OF THE WATER RIGHTS) CANCELLATION OF
EVIDENCED BY CERTIFICATES 12330 and 20443, IN) WATER RIGHT
THE NAME OF JOSEPH HOFFMAN, FOR USE OF)
WATER FOR IRRIGATION FROM BEAVER CREEK,)
CLACKAMAS COUNTY, OREGON)

TO: Record Owner: Tax Lots 2300, 2303 and 2390, Loretta Jean Germany Trust and Becky Sue Knowles, 12617 S. Criteser Road, Oregon City, OR, 97045-9708.

Record Owner: Tax Lot 2302, Jaime L. Preciado, 12911 S. Criteser Road, Oregon City, OR, 97045-9708.

Notice

Pursuant to the provisions of Oregon Revised Statutes (ORS) 183.415 and ORS 540.631, you are hereby notified as the owner of record of certain real property in Section 18, Township 3 South, Range 2 East, Willamette Meridian (W.M.), Clackamas County, Oregon, of the proposed cancellation of irrigation water rights evidenced by Certificates 12330 and 20443, in the name of Joseph Hoffman.

A. Basis For Initiation Of Proposed Cancellation Action

Findings of Fact

The Affidavits

1. It is asserted in affidavits filed with the Water Resources Department (Department) on January 25, 2021, by Paul Staehely and Jason Staehely, that Certificate 12330 has been forfeited due to non-use for irrigation for thirteen years (2005 through 2017) on 9.4 acres. The place of use of C-12330 corresponds to tax lot 2302 (owned by Jaime L. Preciado).
2. It is asserted in affidavits filed with the Water Resources Department (Department) on January 25, 2021, by Paul Staehely and Jason Staehely, that Certificate 20443 has been forfeited due to non-use for irrigation for thirteen years (2010 through 2017) on 20 acres. The place of use of C-20443 corresponds to tax lots 2300, 2303 and 2390 (owned by Loretta Jean Germany Trust and Becky Sue Knowles).

Water Rights Proposed To Be Canceled For Non-Use

The water rights for which cancellation is proposed are:

1. **Water Right Certificate 12330**, in the name of Joseph Hoffman, authorizing the use of 0.13 cubic feet per second (cfs) from Beaver Creek, tributary of the Willamette River, for irrigation of 9.4 acres in the following place of use:

3.9 acres SE 1/4 NE 1/4 SE 1/4
4.2 acres NE 1/4 SE 1/4 SE 1/4
Section 18
T3S, R2E, W.M., being within
Benjamin R. Mails D.L.C. No. 50

0.5 acres NE 1/4 SE 1/4
0.7 acres SE 1/4 SE 1/4
Section 18
T3S, R2E, W.M., being within
Joseph Spink D.L.C. No. 46

0.1 acres NE 1/4 SE 1/4
Section 18
T3S, R2E, W.M., being within John
S. Rowland D.L.C. No. 45

The priority date is June 28, 1933.

The point of diversion is located at:
NE 1/4 SE 1/4, Section 18, T3S, R2E, W.M., being within Benjamin R. Mails D.L.C. No. 50.

The entire certificate is proposed to be cancelled. A copy of said water right certificate, certificate map and tax lot map are attached.

2. **Water Right Certificate 20443**, in the name of Joseph Hoffman, authorizing the use of 0.25 cubic feet per second (cfs) from Beaver Creek, tributary of the Willamette River, for irrigation of 20.0 acres in the following place of use:

7.0 acres NE 1/4 SE 1/4
9.4 acres NW 1/4 SE 1/4
3.6 acres SE 1/4 SE 1/4
Section 18
T3S, R2E, W.M.

The priority date is March 16, 1948.

The point of diversion is located at:
NE 1/4 SE 1/4, Section 18, T3S, R2E, W.M., being within Benjamin R. Mails D.L.C. No. 50.

The entire certificate is proposed to be cancelled. A copy of said water right certificate, certificate map and tax lot map are attached.

Conclusion of Law

1. The evidence submitted to the Department by affiants appears to create a rebuttable presumption of forfeiture. ORS 540.631; OAR 690-017-0400.

B. Applicable Law

Oregon water law provides that if any portion of a water right undergoes five or more successive years of non-use, that non-use creates a rebuttable presumption of forfeiture. Oregon Revised Statutes (ORS) 540.610; ORS 540.631.

A presumption of forfeiture may be rebutted by evidence submitted in a protest and by evidence you may submit in a contested case hearing. ORS 540.610(2); Oregon Administrative Rule (OAR) 690-017-0800.

Other applicable law includes ORS 540.610 through ORS 540.650, OAR Chapter 690 Division 17 (governing water right cancellation), ORS Chapter 183 and OAR 137-003-0501 through 0700 (governing contested case hearings) and OAR 690-002-0010 through 0190 (governing protests, hearings, and exceptions).

C. Notice Of Right To Protest the Proposed Cancellation and Receive a Contested Case Hearing

The information before the Department, if not countered by other evidence, establishes at least five years of non-use of your water right. Five years of non-use creates a rebuttable presumption of forfeiture. This means that you have an opportunity to show either that water use has occurred during the subject five-year period or that one or more statutorily established reasons excusing non-use as stated in ORS 540.610(2) and OAR 690-017-0800 apply to you.

You have the right to a contested case hearing on the matters asserted in this Notice of Proposed Cancellation. If you do not agree with the matters asserted in this Notice you may file a protest and request for hearing setting forth the reasons why the water right specified in this Notice should not be cancelled. You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. OAR 137-003-0550. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an authorized representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Administrative Law Judge determines that the appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

To request a contested case hearing, the legal owner or occupant of the land must file a written request for hearing with the Oregon Water Resources Department within 60 days from the date of the mailing of this Notice. Any protest and request for hearing must be in writing and received with a \$950.00 protest filing fee in the office of the Water Resources Department, Attention: Patricia McCarty, 725 NE Summer Street, Suite A, Salem, Oregon 97301-1266, by 5:00 p.m. on **November 2, 2021**. See ORS 540.641(2)(60-day time period for filing a protest); ORS 536.050(1)(j)(authority for fee).

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing. You have the right to be represented by an attorney and to respond and present evidence and argument on all issues properly before the Administrative Law Judge.

If you do not request a hearing

If you do not request a hearing within 60 days of the date of the mailing of this Notice, or if you withdraw a hearing request, notify the Department or the Administrative Law Judge that you will not appear, or fail to appear at a scheduled hearing, the Department may issue a final order by default canceling your water right. ORS 540.641(1); OAR 137-003-0670. If the Department issues a final order by default, it designates its file on this matter, including any materials submitted by you that relate to this matter, as the record for the purpose of proving a prima facie case.

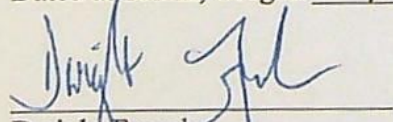
Voluntary cancellation

Holders of a water right *may also voluntarily relinquish* their water right by filing a notarized authorization to cancel with the Water Resources Department, Water Rights Section. ORS 540.621. If you decide to authorize voluntary cancellation of the water right or portion thereof appurtenant to your land, you do not need to file a protest. You should contact the Department or your local watermaster for the proper Cancel Authorization form.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Dated at Salem, Oregon 9-2-21.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

CERTIFICATE OF MAILING/SERVICE

I certify that on September 2, 2021, this Notice of Proposed Cancellation of Water Right, with enclosures of copies of the affidavits and copies of ORS 540.610 - 540.670 and OAR Chapter 690, Division 17, was served by certified mail, return receipt requested, and first class mail, postage prepaid upon the persons listed below:

Certified mail:

Loretta Jean Germany Trust, and
Becky Sue Knowles
12617 S. Criteser Road
Oregon City, OR 97045-9708

Jaime L. Preciado
12911 S. Criteser Road
Oregon City, OR 97045-9708

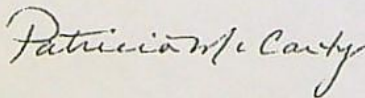
Copy by first class mail:

Loretta Jean Germany Trust, and
Becky Sue Knowles
12617 S. Criteser Road
Oregon City, OR 97045-9708

Paul Staehely
21303 S. Central Point Road
Oregon City, OR 97045

Jaime L. Preciado
12911 S. Criteser Road
Oregon City, OR 97045-9708

Jason Staehely
21367 S. Central Point Road
Oregon City, OR 97045



Patricia McCarty
Water Resources Department

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH HOFFMAN

of Route 1, Oregon City, 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 Beaver Creek a tributary of Willamette River for the purpose of Irrigation under Permit No. 10943 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 June 28, 1933;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the (NE 1/4 SE 1/4) of Section 18, Township 3 South, Range 2 East, W. M., being within the Benjamin R. Mails D. L. C. No. 50,

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

and shall 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:

- 3.9 acres in (SE 1/4 NE 1/4 SE 1/4)
- 4.2 acres in (NE 1/4 SE 1/4 SE 1/4)
- Section 18
- Township 3 South, Range 2 East, W. M., being within Benjamin R. Mails D.L.C. No. 50
- 0.5 acres in (NE 1/4 SE 1/4)
- 0.7 acres in (SE 1/4 SE 1/4)
- Section 18
- Township 3 South, Range 2 East, W. M., being within Joseph Spink D. L. C. No. 46
- 0.1 acre in (NE 1/4 SE 1/4)
- Section 18
- Township 3 South, Range 2 East, W. M., being within John S. Rowland D. L. C. No. 45.

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 2nd day of April, 1934

CHAS. E. STRICKLIN
State Engineer

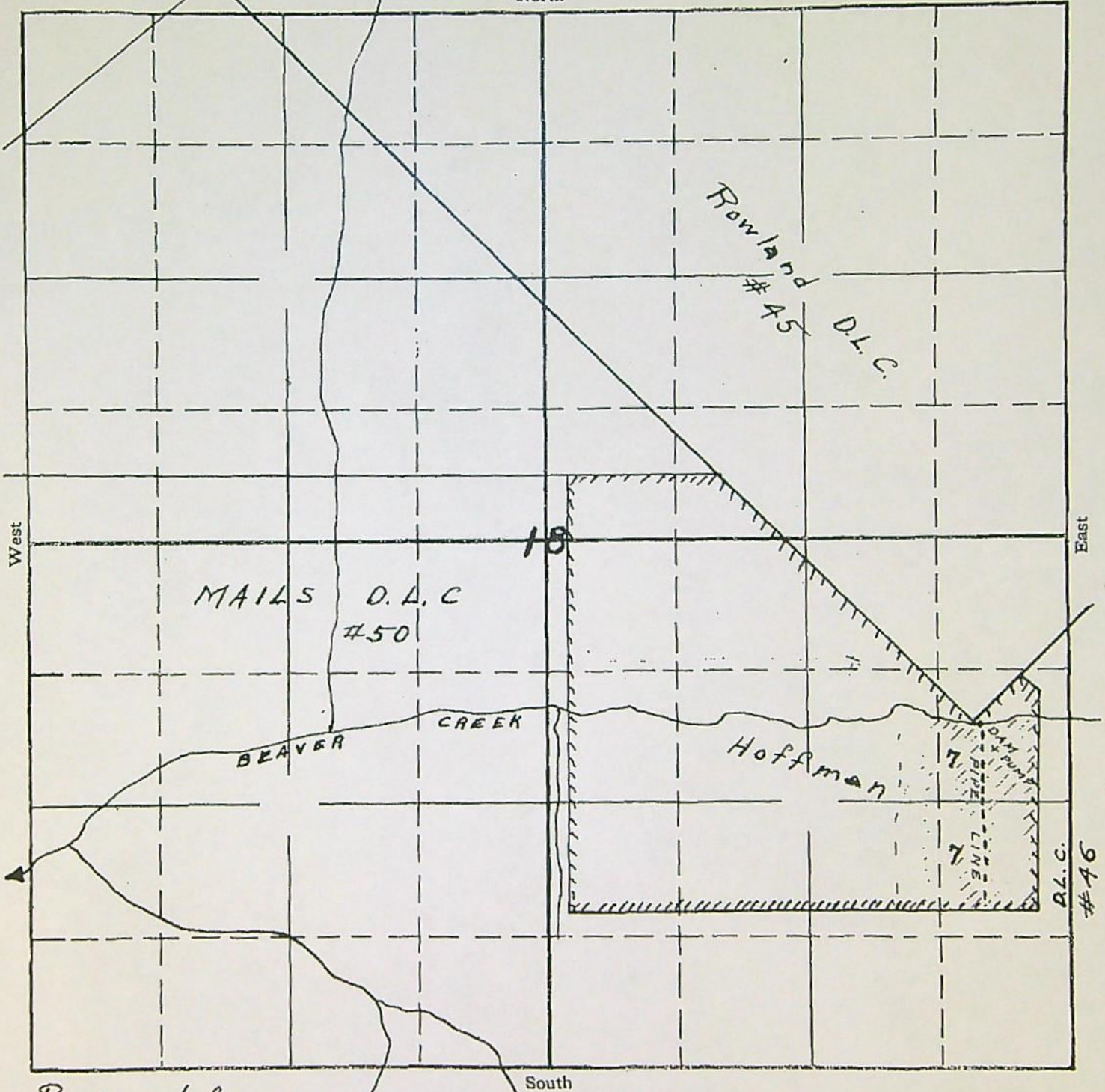
2
3

SECTION

18

TOWNSHIP 3S, RANGE 2E, W. M.

North



Prepared from
 plat records, quadrangle,
 & applicant's abstract,
 6/28/33 - 18.

APPLICATION No. 15013

PERMIT No. 10942

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is To Certify, That JOSEPH HOFFMAN

of Route 1, Box 655, Oregon City, 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 Beaver Creek a tributary of Willamette River for the purpose of irrigation under Permit No. 18296 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 March 16, 1948

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed - 0.25 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SE 1/4, as projected within B. R. Mails D.L.C. No. 50, Section 18, Township 3 South, Range 2 East, 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-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre foot 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:

7.0 acres in NE 1/4 SE 1/4
9.4 acres in NW 1/4 SE 1/4
3.6 acres in SE 1/4 SE 1/4
Section 18
Township 3 South, Range 2 East, W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

B eginning at a stone marked thus (A) on the east line of Mails D.L.C., 39.27 chains north of re-entrant to B. R. Mails Claim No. 50, from which stone a fir 36 inches in diameter bears N. 51° 30' W. 72 links distant, marked B. T. and running thence on east line of Mails Claim North 17.71 chains to S. E. corner of a tract of land sold to Tuttle; thence with S. W. line of said Tuttle tract to the claim line between the Mail and Howland D.L.C.; thence with said claim line S. 43° W. 5.44 chs. to corner of Howland claim; thence N. 46° 45' W. 24.00 chains to corner of Mails Claim; thence W. on North line of Mails Claim 13.23 chains to a stake; thence S. 33.02 chains to a stone marked thus (A) on line between Sturm & Leland; thence South 89° 30' E. 38.00 chs. to the place of beginning, containing 100 acres in T. 3 S. R. 2 E. of the W. M. This deed is given for the purpose of creating an estate by the entirety in the grantor and grantee herein.

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 31st day of May, 1954

CHAS. E. STRICKLAND
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20443

T. 3 S., R. 2 E, W.M.



FINAL PROOF SURVEY
UNDER

Application No.23078... Permit No.18296
IN NAME OF

.....
JOSEPH HOFFMAN
.....

Surveyed May 19 1953, by H. L. Coffman

DFK-3D-127

ATTACH C1-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
County of CLACKAMAS) ss

AFFIDAVIT ASSERTING
NON-USE OF WATER RIGHT

1. I, Paul Staehely
(Legal Name)
of 21303 S. CENTRAL POINT RD
(Address)
Oregon City, OR (State), 97045 (Zip Code)
(City) (State) (Zip Code)

Phone (503) 706 6292, say that:

2. Water Right Certificate number 12330
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4.

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S
~~XXX~~, Range 2 E ~~XXX~~, in the SW-SE ~~XXX~~ 1/4, of
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I TRAVEL BY The Property going To Town
ON A REGULAR BASIS it is EASY TO SEE FROM
The road from The road what is HAPPENING ON
The Property

C1-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

Irrigation From 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

Irrigation From 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 2.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? None Known Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).

CI-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Paul Staehely
(Signature of Affiant)

Sworn to and subscribed before me this 8th Day of January 2021.



Tracy McPierson Pyeatt
(Notary Public of Oregon)

My Commission Expires 4-18-23

(SEAL)



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
) ss AFFIDAVIT ASSERTING
County of Clackamas) NON-USE OF WATER RIGHT

1. I, Jason Staehely
(Legal Name)
of 21367 S Central Point Rd
(Address)
Oregon City, OR, 97045
(City) (State) (Zip Code)

Phone (503) 539 3767, say that:

2. Water Right Certificate number 12330
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4.

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S
~~XXX~~, Range 2 E ~~XXX~~, in the SW-SE ~~XXX~~ 1/4, of
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived A mile away Since 2015, before that
I worked in Oregon City, commuting by the property
frequently. From the rd I could see no evidence
of water usage from 2009 to 2018. In 2020 and
2019 they began using water, as a result I noticed
a significant reduction in our down stream
water supply.

C3-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

irrigation From 01/2010 Through 01/2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

irrigation From _____ Through _____
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 9.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. Ja (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. Ja (Initial to indicate you have read this statement and understand your responsibilities).

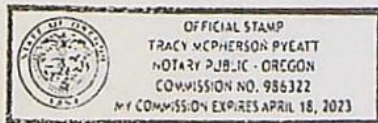
C3-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Steady
(Signature of Affiant)

Sworn to and subscribed before me this 8th Day of January 2021.



Tracy Pyeatt
(Notary Public of Oregon)
My Commission Expires 4-18-23

(SEAL)

ATTACH C2-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
County of Clackamas) ss AFFIDAVIT ASSERTING
NON-USE OF WATER RIGHT

1. I, Jason Staehely
(Legal Name)
of 21367 S Central Point Rd.
(Address)
Oregon City OR 97045
(City) (State) (Zip Code)

Phone (503) 539 3764, say that:

2. Water Right Certificate number 20443,
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 2390, in Township 3 S
~~XXX~~, Range 2 E ~~XXX~~, in the SW-NE, NW-SW & NE-SE 1/4, of
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived a mile away since 2015, before that I worked in Oregon City commuting by the property frequently. From the road I could see no evidence of water usage from 2009 to 2018. In 2020 and 2019 they began using water, as a result I noticed a significant reduction in our downstream water supply.

C2-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

Irrigation From 01/2010 Through 01/2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

_____ From _____ Through _____
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 20.0 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. JS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. JS (Initial to indicate you have read this statement and understand your responsibilities).

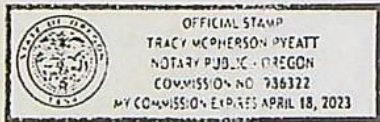
C2-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Stuebel
(Signature of Affiant)

Sworn to and subscribed before me this 8th Day of January, 2021



(SEAL)

Tracy McPherson Pyeatt
(Notary Public of Oregon)
My Commission Expires 4-18-23

ATTACH C4-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
) ss AFFIDAVIT ASSERTING
County of CLACKAMAS) NON-USE OF WATER RIGHT

1. I, Paul Stachely
(Legal Name)
of 21303 S Central Point RD
(Address)
Oregon City, OR, 97045
(City) (State) (Zip Code)

Phone (503) 7066297, say that:

2. Water Right Certificate number 20443,
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
, under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 2390, in Township 3 S
~~XXX~~, Range 2 E ~~XXX~~, in the SW-NE, NW-SE, & NE-SE 1/4, of
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:

I Travel By The Property going To
TOWN ON A REGULAR basis it is easy to see
from The road what is happening on the
Property

C4-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

irrigation From 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

~~1-2005~~ irrigation from 1-2005 Through 1-2018
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 20 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? None Known Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).

C4-3/3

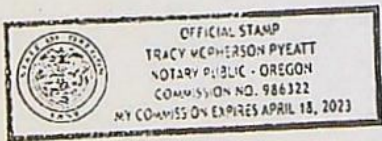


Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Paul Stachely

(Signature of Affiant)

Sworn to and subscribed before me this 8TH Day of January, 2021.



(SEAL)

Tracy McPherson Pyeatt

(Notary Public of Oregon)
My Commission Expires 4-18-23



**CERTIFICATE OF SERVICE
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

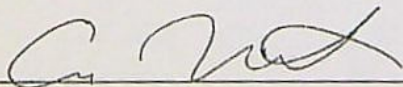
I certify that on 21ST Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST
Address: 12617 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

Name: JAIMIE L. PRECIADO
Address: 12911 S. CRITESER RD.
City, State, Zip: OREGON CITY, OR
97045-9708

~~Name:~~
~~Address:~~
~~City, State, Zip:~~

[/s/ Signature] 
Title AGENT FOR STAEHEL

SECTION 18 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 400'

D. L. C.'S
JOHN S. HOWLAND NO. 45
BENJAMIN MAILLS NO. 50

ASSESSOR
MAP

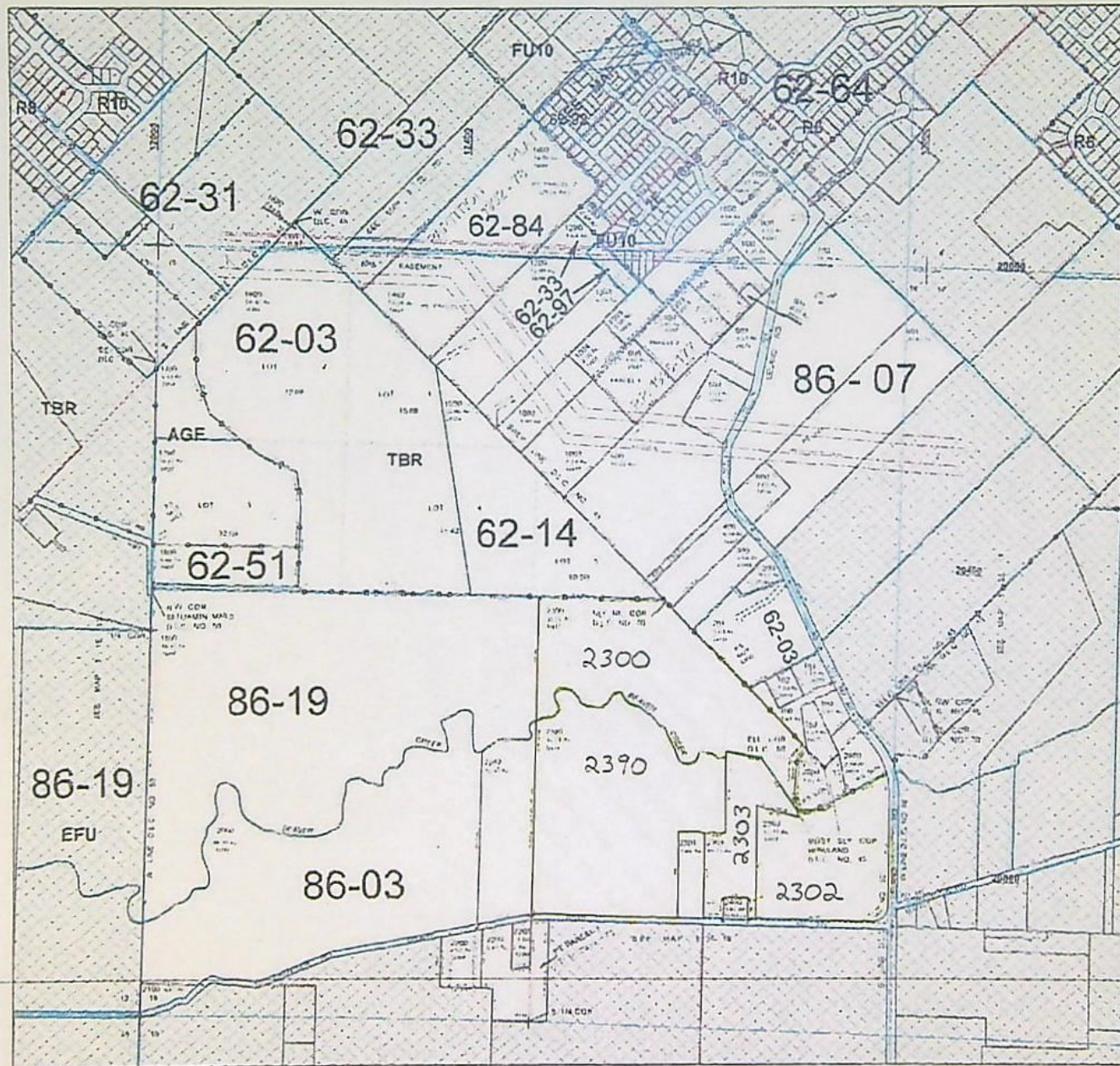
Cancelled Errors

- Parcel Boundaries
- Private Road R/W
- Historical Boundaries
- Historical Landmark
- Tax District Lines
- Map Sheet
- Water Lines
- Land Use Zoning
- Plat
- Well
- Easement
- Public Easement
- Utility Line
- Other Land Use
- City Line
- Boundary Line
- PT to Howland Co.
- Howland Co. Property



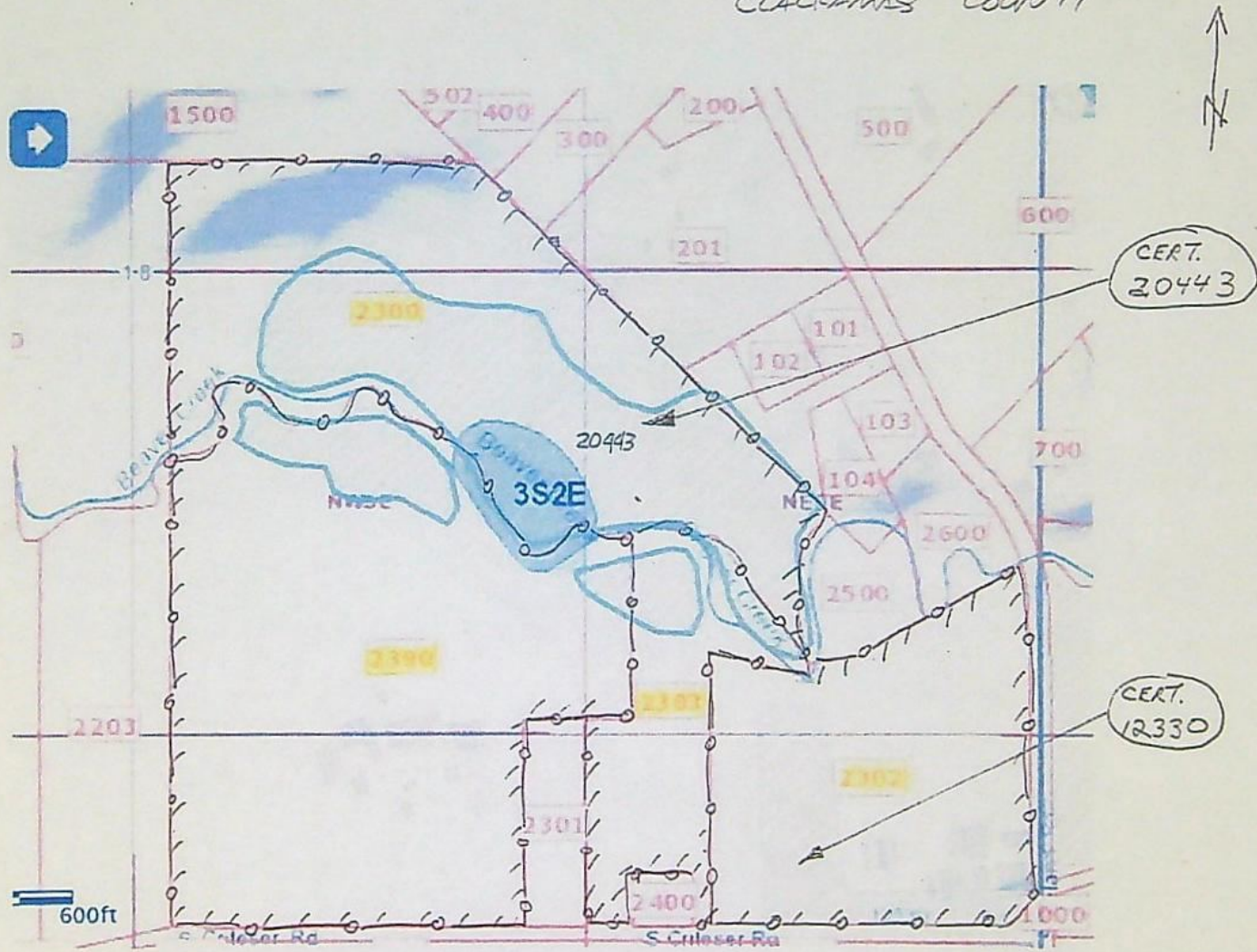
ATTACH
D-1/1

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



Rec'd at OWRD electronically on 1/25/2021

E 1/2 S18 (3S-2E1)
CLATSOP COUNTY



ATTACH E Y1

OREGON ADMINISTRATIVE RULE CHAPTER 690; DIVISION 17
CANCELLATION OF PERFECTED WATER RIGHTS

690-017-0005

Introduction

These rules define the process the Water Resources Department will follow when cancelling a perfected water right. The action to cancel the perfected water right can be initiated as the result of a request by the record owner of the land to which the water right is appurtenant, or as the result of a request to determine the validity of a water right which may be forfeited due to five successive years of non-use.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0010

Definitions

- (1) "Affidavit" means a declaration upon oath, in writing, signed by the party and sworn to before a notary public.
- (2) "Affiant" means the individual completing, swearing to and signing an affidavit.
- (3) "Bankruptcy" means proceedings under federal bankruptcy statutes to relieve a debtor (the bankrupt) from insurmountable debt. The commencement of a bankruptcy action occurs with the date a petition for relief is filed by a debtor or creditor to the bankruptcy court.
- (4) "Cancellation" means the action taken by the Director, the Commission, or the courts to abolish all or part of a permit or certificate of water right.
- (5) "Deed-in-Lieu" means a deed tendered by the record owner to prevent the creditor from asserting a legal right to recover payment of a debt through a foreclosure action.
- (6) "District" has the meaning of the term as defined in ORS 540.505
- (7) "Foreclosure" means a proceeding in or out of court to extinguish all right, title and interest of the record owner(s) of property in order to sell or repossess the property to satisfy a lien against it. A foreclosure action begins on the date presentation of the official demand for payment is made to the debtor by the creditor by certified mail.
- (8) "Forfeiture" means the loss of a water right caused by the failure of the appropriator or record owner of the right to use the water for five successive years.
- (9) "Judicial Action" means a suit, injunction, or litigation filed with or allowed by the courts.
- (10) "Natural Disaster" means an act of God, such as flooding or erosion, which occurred with such magnitude that it either prohibited or severely limited the ability to use the water.
- (11) "Perfected Water Right" means a water right which has been confirmed by the issuance of a certificate of water right or by a court decree.
- (12) "Presumption of Forfeiture" means a conclusion established by statute that a water right, in whole or in part, is forfeited by nonuse of the right for five successive years.
- (13) "Principal Farm Operator" means the record owner, including a lessee to whom the right of possession of agricultural property has been granted by the lessor for a specified period of time in return for a consideration.
- (14) "Rebuttable Presumption" means a presumption which, by statute, may be overcome by evidence sufficient to explain or disprove the presumption.
- (15) "Record Owner" means the person shown as the owner of the land in the county deed records established under ORS Chapter 93.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

690-017-0100

Cancellation Authorized by Record Owner

- (1) Perfected water rights shall be cancelled by order of the Director in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of the land to which the water right in question is appurtenant.
- (2) The affidavit shall contain, at a minimum, the following:
 - (a) A statement that the affiant is the record owner of the lands associated with the water right in question;
 - (b) The certificate number of the water right;
 - (c) A statement that the affiant has abandoned any and all interest in and to all or a specified portion of the water right;

(d) Where only part of the right has been abandoned, a description of the specific place of use by quarter-quarter section and acres on which the right has been abandoned, with information sufficient to determine the lands on which the right is not to be cancelled; and

(e) A request that all or part of the certificate be cancelled.

(f) A statement of whether, to the best of the affiant's knowledge, the subject water right is within the boundaries of a district or federal reclamation project.

(3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, provide the district and the United States Bureau of Reclamation notice of the water right cancellation request.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

690-017-0200

Watermaster Affidavit of Inability to Appropriately or Beneficially Use Water

(1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised, including but not limited to, the lands being covered by an impermeable surface or the diversion mechanism used to appropriate the water is no longer operable, the watermaster shall file an affidavit with the Water Resources Director.

(2) The affidavit shall state:

(a) The date and time the land or diversion mechanism or other evidence was inspected by the watermaster;

(b) The names of all record owners of the land where the water right is appurtenant and the owners' address as it appears in the county assessors' records; and

(c) The watermaster's findings during the inspection that indicate the water right cannot be exercised.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0300

Notice of Watermaster Affidavit to Record Owner

(1) The Water Resources Department shall notify each record owner of the land described by an affidavit submitted by a watermaster under ORS 540.660 in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner;

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100; and

(c) If the land is within the boundaries of an irrigation district, the Department shall mail a copy of the affidavit to the irrigation district.

(2) The record owner named in an affidavit shall be given the option of voluntarily relinquishing the water right or portion thereof, continuing to be the subject of the filing of such affidavits each year for a period of five successive years, or of applying the water to the use authorized by the certificate.

(3) If the watermaster files an affidavit each year for five successive years, the Water Resources Department shall initiate proceedings under ORS 540.631 to cancel the water right.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0400

Cancellation Initiated by Department

(1) The Department shall initiate proceedings to cancel a perfected water right, as provided in ORS 540.631 and these rules, whenever it appears that a right has been forfeited as provided in 540.610. The decision to initiate cancellation proceedings shall be based on evidence submitted to the Department, by any person, that alleges five or more years of nonuse so as to create a presumption of forfeiture, and from which evidence it further appears the presumption of forfeiture would not likely be rebutted under OAR 690-017-0800(2)(a), (d) or (e).

(2) Where the evidence submitted to the Department is in the form of affidavits, notarized affidavits from two individuals shall be required. An affidavit shall contain the following:

(a) Name, address and telephone number of affiant;

- (b) Page number of the certificate in question as recorded in the State Record of Water Right Certificates, name of the person to whom the certificate was issued, and priority date of the certificate;
 - (c) Township, range, quarter-quarter section and number of acres to which the certificate in question is appurtenant;
 - (d) The use for which the water right was issued;
 - (e) The source of water to be used as provided in the certificate;
 - (f) A statement of the affiant's knowledge of the lands described in the certificate in question, and an explanation of how the affiant gained this knowledge;
 - (g) A statement that the affiant knows with certainty that no water from the allowed source has been used for the authorized use on the lands, or a portion of the lands, the portion being accurately described, under the provisions of the water right within a period of five or more successive years, and the beginning and ending years of the period of nonuse. Where possible, beginning and ending months should also be given;
 - (h) A statement that the affiant believes the allegation of nonuse will not be rebutted under any of the grounds for rebuttal set out in ORS 540.610;
 - (i) A copy of the county tax plat map illustrating the lands to which the subject water right is appurtenant, and if applicable, the location of the portion of the water right asserted to have been forfeited;
 - (j) The affiant's agreement to testify in a hearing before the Water Resources Department if necessary;
 - (k) To the best of the affiant's knowledge, a statement of whether the subject water right is within the boundaries of a district or federal reclamation project; and
 - (l) Proof that the affidavit(s) have been served upon the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands.
- (3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall provide notice of receipt of affidavits submitted under this rule, as applicable, to the district and the United States Bureau of Reclamation at least 90 days prior to initiating a cancellation proceeding.
- (4) Where the evidence submitted is solely from Department personnel, such evidence shall be submitted in the form of an affidavit and contain all information described in section (2) of this rule. In addition, the affidavit shall be supported by stream or canal gaging records, water or electric meter readings, static level measurements, system capacity calculations, a summary of field investigations, photos, maps, or other relevant data covering each year of the period of alleged nonuse.
- (5) The Department shall initiate proceedings to cancel a water right under ORS 540.631 within 180 days of receiving the evidence required under sections (1) and (2) of this rule.
- (6) The Department shall notify the record owner of the land to which a perfected water right is appurtenant that it intends to cancel all or a portion of the water right. The occupant of affected lands, if other than the owner, shall also be notified. If the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, mail a copy of the cancellation notice to the district and the United States Bureau of Reclamation. Notice shall be sent to the record owner of the land or occupant by certified mail, return receipt requested. The notice to the record owner shall be addressed to the owner at the owner's last address or record in the office of the county assessor of the county in which the lands are located. The notice shall contain the following:
- (a) A description of the water right and the land to which the water right is appurtenant;
 - (b) A statement that the information before the Director creates a rebuttal presumption of forfeiture;
 - (c) A statement that the record owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation either by asserting that the water right has been used, or by making rebuttal in the manner and on the grounds provided in OAR 690-017-0600 and 690-017-0800;
 - (d) Notice that if the record owner intends to rebut the presumption of forfeiture, the protest shall include a statement of the grounds for rebuttal relied upon, and shall be accompanied by appropriate supporting documentation; and
 - (e) A statement that, following receipt of a protest against the proposed cancellation and determination that the presumption of forfeiture has not been rebutted, a contested case hearing will be scheduled.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

690-017-0500

Cancellation Not Protested

If the record owner or occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water within the 60-day period prescribed in the notice, the Water Resources Department shall enter an order cancelling the water right as provided in ORS 540.641.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0600

Protest of Cancellation/Statement of Intent to Rebut Presumption of Forfeiture

(1) A protest submitted to the Water Resources Department by the record owner or occupant of the land on which a cancellation of a perfected water right is proposed shall include the following:

(a) A written statement citing the reasons the record owner or occupant believes the water right has not been forfeited by nonuse; and

(b) The statutory fee for filing the protest.

(2)(a) Where the record owner or occupant intends to rebut the presumption of forfeiture by claiming one or more of the grounds for rebuttal established in ORS 540.610(2) and as further defined in OAR 690-017-0800, grounds claimed for rebuttal shall be stated in the protest;

(b) Where applicable, documentary evidence in support of the rebuttal as described in OAR 690-017-0800(3) shall be submitted with the protest.

(3)(a) On receipt of a protest claiming rebuttal and supporting documentary evidence, a determination shall be made whether the presumption of forfeiture has been rebutted;

(b) Where rebuttal is found to have been made, the matter shall be closed and no further action taken to cancel the water right;

(c) Where it is determined that the presumption of forfeiture has not been rebutted, the Department shall initiate proceedings to cancel the right as provided in OAR 690-017-0700.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0700

Cancellation Hearing

(1) If the Department receives a protest to the proposed cancellation of a water right within the prescribed 60-day period, a hearing on the protest shall be scheduled. The protestant shall be given not less than ten days notice of the hearing time and place.

(2) The hearing shall be held by the Department's Hearings Referee, and shall be conducted under the provisions of ORS 183.310 to 183.550 pertaining to contested cases.

(3) In contested case hearings where the initial determination was made that the presumption of forfeiture had not been rebutted, the owner may offer additional evidence in support of rebuttal.

(4) After the hearing the Hearings Referee shall enter a proposed order:

(a) Cancelling the water right;

(b) Cancelling in part or modifying the water right; or

(c) Declaring that the water right shall not be cancelled or modified.

(5) If no exceptions or objections to the proposed order are filed within the time allowed, the Hearings Referee shall issue a final order.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0800

Grounds for and Manner of Rebutting a Presumption of Forfeiture

(1) Any record owner or occupant rebutting a presumption of forfeiture for nonuse of water under ORS 540.610(2), as provided in these rules, shall provide evidence that rebuts the presumption of forfeiture.

(2) A presumption of forfeiture may be rebutted by showing one or more of the following:

(a) The water right is for reasonable and usual municipal use of water;

(b) A finding of forfeiture would impair the rights of cities and towns to the use of water, whether acquired by appropriation or purchase, or previously recognized by legislative act, or which may be acquired in the future;

(c) The owner of the property was unable to use the water due to economic hardship as defined in section (3) of this rule;

(d) The period of nonuse occurred during a period of time within which land was withdrawn from use under the Federal Soil Bank Program or the Federal Conservation Reserve Program;

(e) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted or cancellation proceedings were initiated under ORS 540.631, whichever occurs first; and

(f) The owner of the property to which the water right is appurtenant is unable to use the water because the use of water under the right is discontinued by an order of the Commission under ORS 537.775 (wasteful or defective wells).

(3) An economic hardship exists only during the following periods of time:

(a) During a bankruptcy action initiated by or for the record owner or principal farm operator;

(b) During a foreclosure of real or personal property of the record owner or principal farm operator. The foreclosure of personal property must directly affect the ability to use the water in question;

(c) During the redemption periods as provided in ORS 23.530 to 23.600;

(d) Three calendar years following the expiration of redemptions as provided in ORS 23.530 to 23.600; or, three years from the date of recording of a deed in lieu of foreclosure tendered by the record owner or principal farm operator in payment of debt owed; and

(e) The time during which judicial actions limit or prohibit the record owner's or principal farm operator's use of the water in question;

(f) The time during which a natural disaster would limit or prohibit the record owner's or principal farm operator's use of the water in question.

(4) Documentation supporting rebuttal based on enrollment in a federal program, bankruptcy, foreclosure or foreclosure redemption, natural disaster, or the 15-year statute of limitations on cancellation as provided for in ORS 540.610(2) may include, but is not limited to, the following items:

(a) The enrollment contract or agreement between the record owner, occupant, or principal farm operator and the appropriate federal jurisdiction;

(b) Affidavits by knowledgeable parties such as employees administering the federal programs;

(c) Court pleadings, filings or other legal documentation of bankruptcy or foreclosure;

(d) Documents from financial, mortgage, lending or title institutions; and

(e) Sworn statements by a watermaster, soil scientist, or in-surance claim adjuster.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537, & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0900

Time Period of Non-Use

Where the rebutted nonuse occurs as an intervening period within an unrebutted period of nonuse totally five or more years, the remaining unrebutted years of nonuse will be treated as consecutive and cancellation will be initiated.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

OREGON WATER RESOURCES DEPARTMENT
OREGON REVISED STATUTES Chapter 540
Distribution of Water; Watermasters; Change in Use;
Transfer or Forfeiture of Water Rights

FORFEITURE OF WATER RIGHTS

- 540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities
- 540.612 Exemption from forfeiture
- 540.621 Cancellation of abandoned water right upon request of owner
- 540.631 Cancellation of forfeited water right; notice
- 540.641 Protest of cancellation; procedure
- 540.650 Issuance of new water right certificate for water rights not canceled
- 540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right
- 540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of the period of redemption provided for in ORS 18.964 while the land is held by the Department of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837),

or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(l) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(n) The nonuse of a supplemental water right occurred during a period of time when the primary water right used in conjunction with that supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing

priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4; 2005 c.222 §1; 2005 c.542 §70; 2005 c.625 §70]

540.612 Exemption from forfeiture. If a district, as defined in ORS 540.505, petitions for a transfer as provided in ORS 540.574 no later than the end of the calendar year of the fifth year of nonuse under ORS 540.610 (1), the forfeiture provisions of ORS 540.610 shall not apply to the lands from which the water right is sought to be transferred pending approval of the district's petition. The time required for the processing of the petition, including any time required for hearings, appeals and completion of an authorized change, shall not be included when computing a five-year period of nonuse under the provisions of ORS 540.610 (1). [1991 c.957 §11]

540.615 [1961 c.140 §1; 1987 c.339 §5; repealed by 1989 c.699 §4]

540.620 [Repealed by 1955 c.671 §1]

540.621 Cancellation of abandoned water right upon request of owner. Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right. Effective upon the date of the entering of such order, the water which was the subject of use under the water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [1955 c.670 §1; 1979 c.67 §5; 1985 c.673 §96]

540.630 [Repealed by 1955 c.671 §1]

540.631 Cancellation of forfeited water right; notice. Whenever it appears to the satisfaction of the Water Resources Commission upon the commission's own determination or upon evidence submitted to the commission by any person that a perfected and developed water right has been forfeited as provided in ORS 540.610 (1), and would not be rebutted under ORS 540.610 (2), the commission shall initiate proceedings for the cancellation of such water right by causing written notice of such initiation of proceedings to be given by registered or certified mail, return receipt requested, to the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands. The notice to the legal owner shall be addressed to the legal owner at the owner's last address of record in the office of the county assessor of the county in which the lands are located. The notice shall contain a complete description of the water right and of the lands to which the water right is appurtenant. The notice shall state that the legal owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation of the water right. [1955 c.670 §2; 1985 c.673 §97; 1989 c.699 §2; 1991 c.249 §53]

540.640 [Repealed by 1955 c.671 §1]

540.641 Protest of cancellation; procedure. (1) If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right.

(2) If the legal owner or the occupant receiving notice as provided in ORS 540.631 files a protest against the proposed cancellation of the water right with the commission within the 60-day period prescribed in the notice, the commission shall fix a time and place for a hearing on the protest. The commission shall cause written notice of the hearing to be given at least 10 days prior to the hearing to the person protesting the cancellation of the water right and to any other person who in the opinion of the commission is an interested party to the proceeding. The hearing shall be held by the commission and shall be conducted under the provisions of ORS chapter 183 pertaining to contested cases. After the hearing the commission shall enter an order canceling the water right, canceling in part or modifying the water right, or declaring that the water right shall not be canceled or modified. [1955 c.670 §3; 1975 c.581 §26c; 1983 c.807 §3; 1985 c.673 §98]

540.650 Issuance of new water right certificate for water rights not canceled. If the order of the Water Resources Commission or the final decree on the appeal therefrom under ORS 540.641 cancels in part or modifies the water right, that portion of the water right not canceled or continued as modified shall be reaffirmed by a new water right certificate issued by the commission. Such certificate shall be of the same character as that described in ORS 539.140. The certificate shall be recorded and transmitted to the owner of the water right as provided in ORS 539.140. [1955 c.670 §4; 1979 c.67 §6; 1985 c.673 §99]

540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right. (1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised according to the terms and conditions of the water right certificate issued under ORS 537.250 or 539.140, such as the land to which the water right is appurtenant is covered by an impermeable surface, or the diversion mechanism used to appropriate water under a water right is no longer operable, the watermaster shall file an affidavit with the Water Resources Director. The affidavit shall state that to the best of the watermaster's knowledge, there is no physical way the water may be applied to a beneficial use in accordance with the terms and conditions of the water right certificate.

(2) If the watermaster files an affidavit under subsection (1) of this section each year for five consecutive years, the affidavits shall constitute prima facie evidence that the water has not been applied to a beneficial use for five years and the Water Resources Commission shall initiate proceedings under ORS 540.631 to cancel the water right.

(3) The Water Resources Department shall provide notice of the affidavit filed with the Water Resources Director under subsection (1) of this section. The department shall provide such notice in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner.

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100.

(c) If the land is within the boundaries of an irrigation district, the department shall mail a copy of the affidavit to the irrigation district.

(4) As used in this section, "record owner" means the person shown as the owner of the land in the county deed records established under ORS chapter 93. [1987 c.339 §1]

540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date. (1) The cancellation of a primary water right for nonuse under ORS 540.641 shall not also cancel a supplemental water right unless the supplemental water right also has not been used beneficially for five or more years.

(2) If the Water Resources Commission cancels a primary water right under ORS 540.641 the commission may issue a new water right certificate changing the supplemental water right to a primary right if the commission finds that the change would not result in injury to existing water rights.

(3) A supplemental right changed to a primary right under subsection (2) of this section shall retain the priority date of the supplemental right. [1987 c.339 §2]



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0901
www.Oregon.gov/OWRD

WITHDRAWAL OF AFFIDAVITS ASSERTING NON-USE OF WATER RIGHTS

I, Paul Staehely, hereby withdraw the affidavits dated January 8, 2021, asserting non-use of Water Right Certificates 12330 and 20443, that I submitted to the Oregon Water Resources Department on January 25, 2021.

DATED: 12-23-24


Paul Staehely
21303 S Central Point Rd.
Oregon City, OR 97045



Oregon

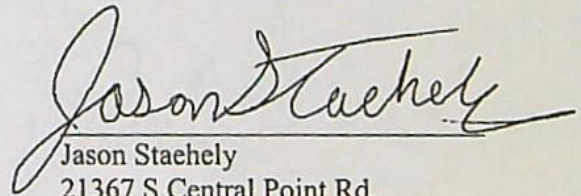
Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0901
www.Oregon.gov/OWRD

WITHDRAWAL OF AFFIDAVITS ASSERTING NON-USE OF WATER RIGHTS

I, Jason Staehely, hereby withdraw the affidavits dated January 8, 2021, asserting non-use of Water Right Certificates 12330 and 20443, that I submitted to the Oregon Water Resources Department on January 25, 2021.

DATED: 12-23-24


Jason Staehely
21367 S Central Point Rd.
Oregon City, OR 97045

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED) ORDER WITHDRAWING
CANCELLATION OF THE WATER RIGHTS) NOTICE OF PROPOSED
EVIDENCED BY CERTIFICATES 12330 and 20443, IN) CANCELLATION OF
THE NAME OF JOSEPH HOFFMAN, FOR USE OF) WATER RIGHT
WATER FOR IRRIGATION FROM BEAVER CREEK,)
CLACKAMAS COUNTY, OREGON)

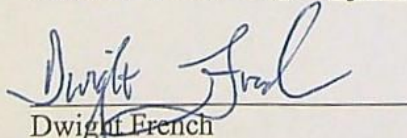
Background

1. On January 25, 2021, Paul Staehely and Jason Staehely filed affidavits asserting nonuse of water right certificates 12330 and 20443 with the Oregon Water Resources Department (“Department”).
2. On September 2, 2021, based on the evidence of nonuse provided by the Staehelys’ affidavits, the Department issued a notice of proposed cancellation proposing to cancel certificates 12330 and 20443 for forfeiture by nonuse.
3. On October 22, 2021, Jaime and Kaye Preciado and the Loretta Jean Germany Trust and Becky Sue Knowles, Trustee filed a protest of the notice of proposed cancellation.
4. On December 9, 2024, the Department referred the notice of proposed cancellation and protest to the Office of Administrative Hearings for a contested case hearing.
5. On December 23, 2024, Paul Staehely and Jason Staehely filed forms with the Department withdrawing their affidavits asserting nonuse of water right certificates 12330 and 20443.
6. On December 26, 2024, the Department withdrew this matter from the Office of Administrative Hearings in accordance with OAR 137-003-0515(4)(a).

Order

The September 2, 2021 notice of proposed cancellation proposing to cancel water right certificates 12330 and 20443 for forfeiture by nonuse is hereby withdrawn and is of no further force or effect.

Dated at Salem, Oregon 30 December, 2024.



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director

CERTIFICATE OF MAILING/SERVICE

I certify that on December 30, 2024, this Order Withdrawing Notice of Proposed Cancellation of Water Right, was served by regular mail, postage prepaid upon the persons listed below:

Jaime L. Preciado
12911 S Criteser Rd.
Oregon City, OR 97045-9708

by regular mail, postage prepaid
 by hand-delivery
 by facsimile # _____
 by certified mail # _____
 Other: Email

Loretta Jean Germany Trust and
Becky Sue Knowles, Trustee
12617 S Criteser Rd.
Oregon City, OR 97045-9708

by regular mail, postage prepaid
 by hand-delivery
 by facsimile # _____
 by certified mail # _____
 Other: Email

Paul Staehely
21303 S Central Point Rd.
Oregon City, OR 97045

by regular mail, postage prepaid
 by hand-delivery
 by facsimile # _____
 by certified mail # _____
 Other: Email

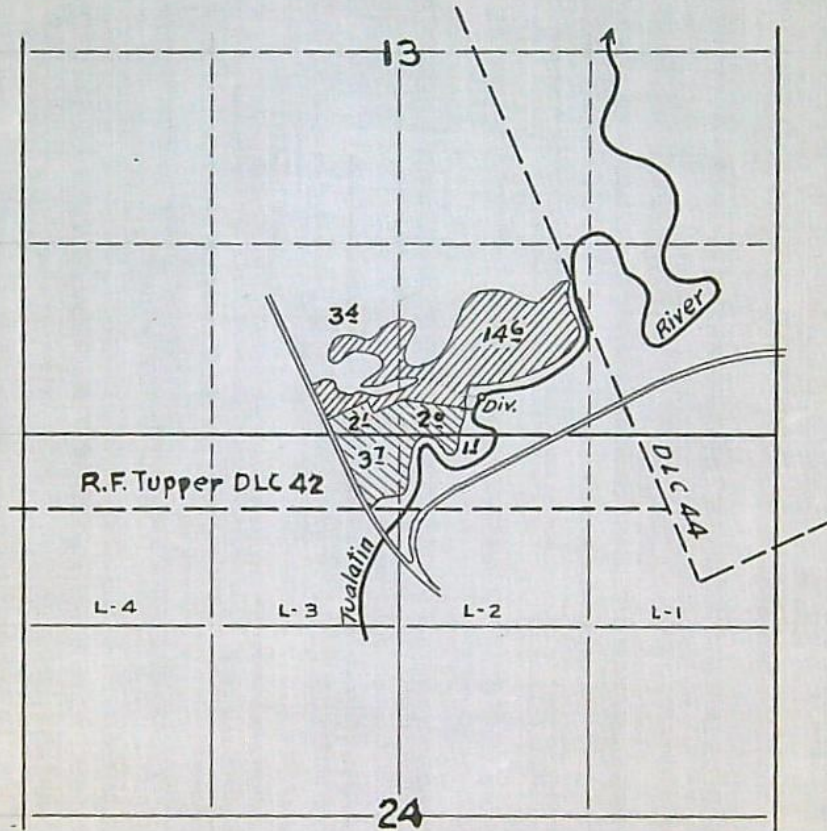
Jason Staehely
21367 S Central Point Rd.
Oregon City, OR 97045

by regular mail, postage prepaid
 by hand-delivery
 by facsimile # _____
 by certified mail # _____
 Other: Email

/s/ Will Davidson



Will Davidson, Agency Representative
Oregon Water Resources Department

T. 1 S., R. 4 W., W.M.



FINAL PROOF SURVEY

UNDER

Application No. 23708 Permit No. 18722 
25621 20099 

IN NAME OF

M.P. & Erma R. Daughters

Surveyed 4-19 1956, by R.D. Best

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. P. DAUGHTERS & ERMA R. DAUGHTERS

of Route 1, Box 103 A, Gaston, 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 Tualatin River

a tributary of Willamette River for the purpose of irrigation

under Permit No. 18722 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 April 11, 1949

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Tupper DLC #42, Section 13, Township 1 South, Range 4 West, 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:

18
3.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
11.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 13
Township 1 South, Range 4 West, W. M.
both as projected within R. F. Tupper DLC #42

RECEIVED

MAY 05 2005

WATER RESOURCES DEPT
SALEM, OREGON

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 8th day of May, 1971

LEWIS A. STANLEY

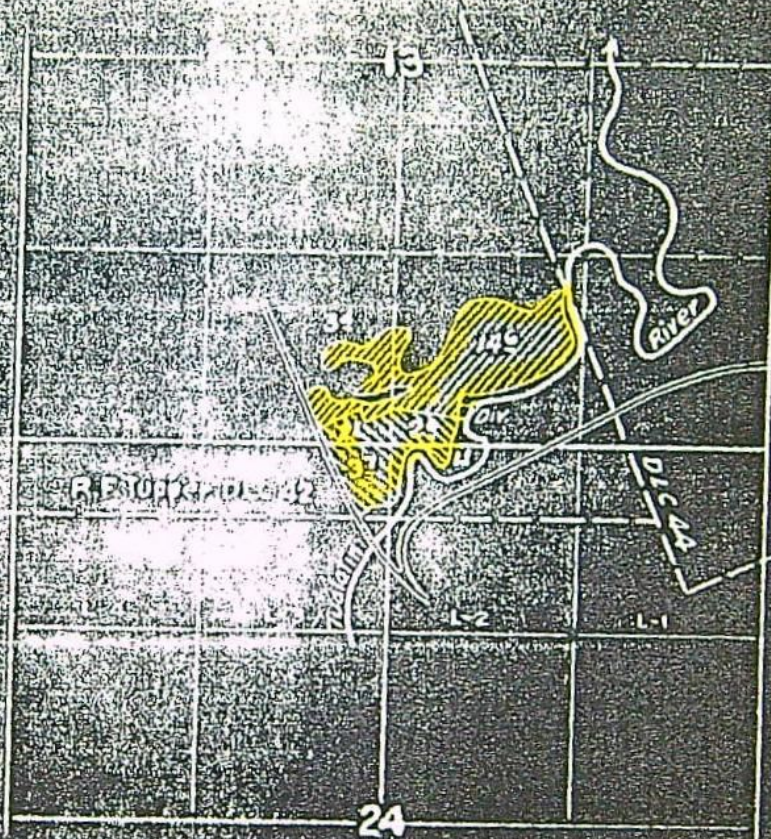
State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22168.

RECEIVED

MAY 05 2005

WATER RESOURCES DEPT
SALEM, OREGON



FINAL PROOF SURVEY

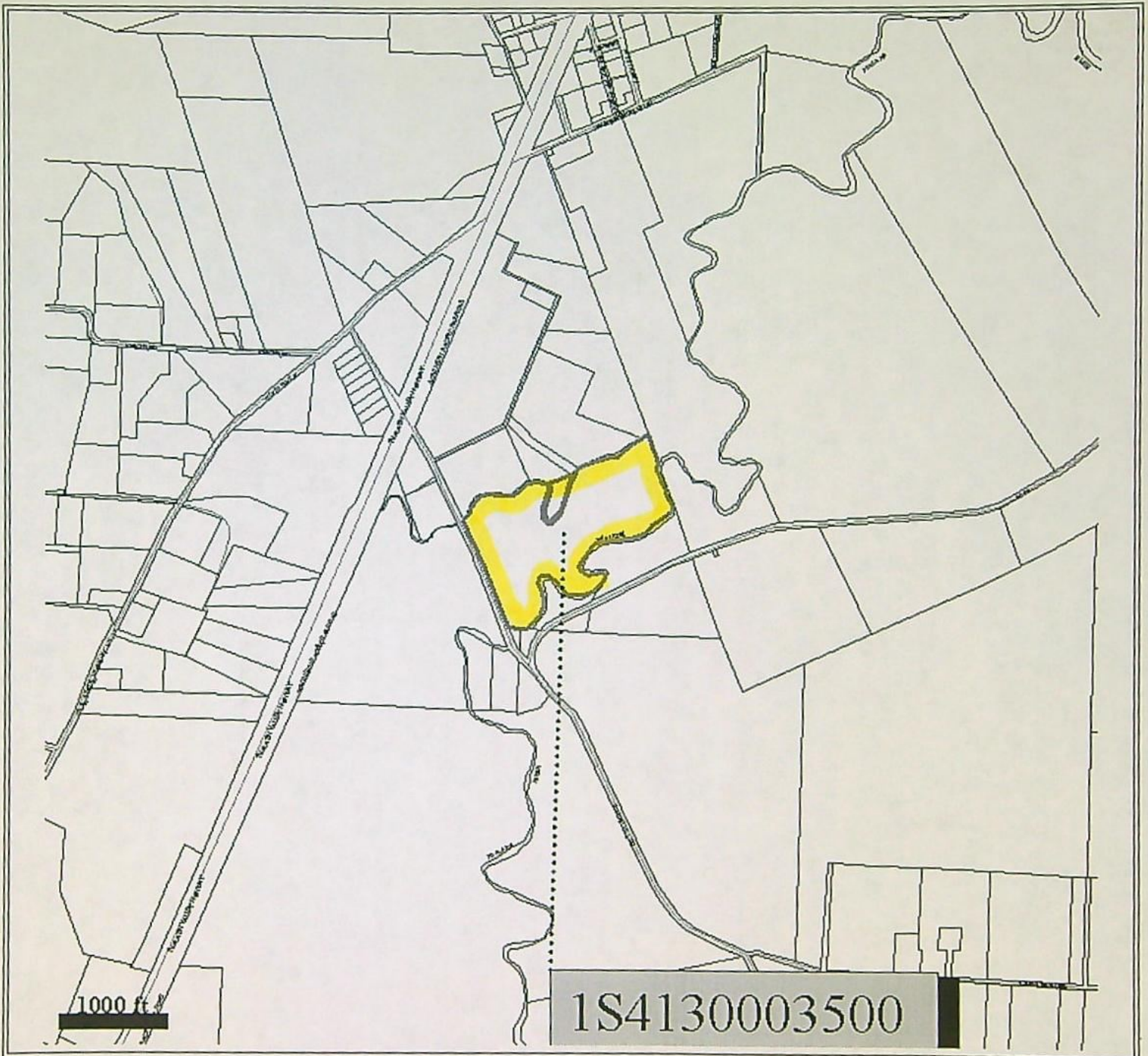
UNDER

Application No. 23708 18722
25621 Permit No. 20099

IN NAME OF

M.P. & Erma R. Daughters

Surveyed 4-19-1956, by R.D. Best



Washington County
 GIS on the Web
 Parcel: 1S4130003500

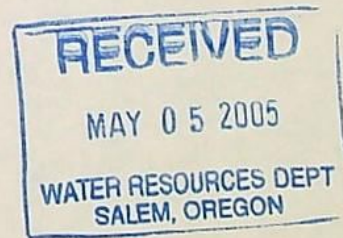
Washington County
 Geographic Information Systems 155 N First Ave, Hillsboro
 OR 97124
 (503)846-3553
www.co.washington.or.us



Return to Geonet

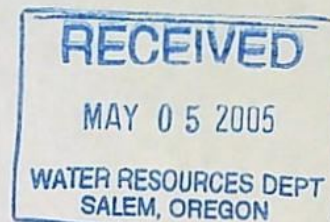
Change Scale

This map was derived from several databases.
 The County cannot accept responsibility for any errors,
 omissions, or positional accuracy and therefore there are no
 warranties for this product.
 However, notification of errors would be appreciated.



*Deed recorded
3/2/05
Fee # 2005-021982*

RECORD AND RETURN TO:
CONI S. RATHBONE
Davis Wright Tremaine, LLP
1300 SW Fifth Avenue, Ste 2400
Portland, OR 97201



SPECIAL WARRANTY DEED

Kent Hutchinson and Peggy Hutchinson (collectively "Grantor") conveys and specially warrants to Joint Water Commission - Hillsboro, Forest Grove, Beaverton, Tigard, Tualatin Valley Water District (collectively "Grantee"), the real property described in the attached Exhibit A, free of encumbrances, except those liens and encumbrances set forth on Exhibit B.

The true and actual consideration for this conveyance is \$750,000.

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

City of Hillsboro Water Department
123 West Main Street
Hillsboro, OR 97123
Attn: Peter Martins

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

SIGNATURE PAGE TO SPECIAL WARRANTY DEED

Signed this 28th day of Februrary, 2005.

Kent Hutchison
Kent Hutchison

Peggy Hutchison
Peggy Hutchison

STATE OF OREGON,

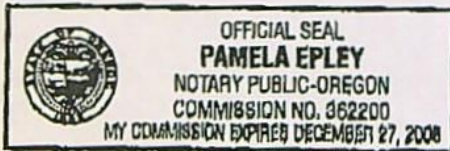
County of Washington

} ss.

On February 28, 2005 before me personally appeared Kent Hutchison and Peggy Hutchison

whose identity was established to my satisfaction, and who executed the foregoing instrument, acknowledging to me that the same was executed freely and voluntarily.

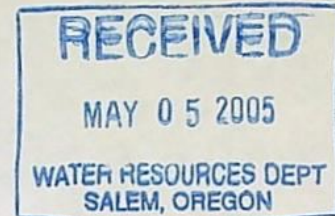
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.



Pamela Epley
Notary Public for Oregon 12/27/06
My commission expires _____

RECEIVED
MAY 05 2005
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A
PROPERTY



PARCEL I:

(a) Beginning at the intersection of the center of the Southern Pacific Railroad right of way with the South line of the North half of the Northwest quarter of Section 24, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon; thence East along the South line of the North half of said Northwest quarter to the center of the Tualatin River; thence Northeasterly along the center of said river to the East line of the Northwest quarter of said Section 24; thence North to the South line of the R.S. Tupper Donation Land Claim No. 42 in said township and range; thence North $89^{\circ}07'$ West, 11.80 chains along the South line of said Tupper Claim; thence North $22^{\circ}30'$ West to the center of said railroad right of way; thence Southwesterly along said right of way to the place of beginning.

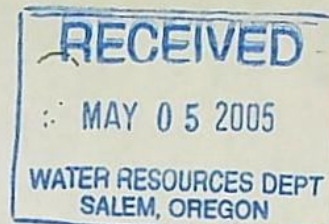
(b) Also that part of the R.S. Tupper Donation Land Claim No. 42, Township 1 South, Range 4 West, of the Willamette Meridian, beginning at a stone on the South line of said Donation Land Claim, distant North $89^{\circ}07'$ West 9.03 chains from where said South line crosses the line between the East and West halves of Section 24 (from said stone a white fir 40 inches in diameter bears North 21° West, 2.86 chains distant); running thence North $22^{\circ}15'$ West, 11.52 chains to center of slough; thence down slough to center of County Road; thence Southerly along County Road to South line of said Donation Land Claim; thence North $89^{\circ}07'$ West, 6.25 chains, more or less, to the place of beginning.

EXCEPTING PORTION within said railroad right of way.

(c) That part of the R.S. Tupper Donation Land Claim No. 42 in Sections 13 and 24, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon, as follows:

Beginning at a stone on the South line of said Donation Land Claim, distance North $89^{\circ}07'$ West, 9.03 chains from where said South line crosses the line between the East and West halves of Section 24, (from said stone a white fir 40 inches in diameter bears North 21° West, 0.86 chains distant); thence continuing North $89^{\circ}07'$ West, 2.77 chains; thence North $22^{\circ}30'$ West to the Southeast line of the Southern Pacific Railroad right of way; thence Northeasterly along said railroad right of way to a line bearing North $22^{\circ}15'$ West, from the point of beginning; thence South $22^{\circ}15'$ East to the point of beginning.

EXCEPTING THEREFROM that portion, if any, lying within that certain parcel of land described in Deed from James E. Bryan to William F. Lodge, recorded July 21, 1927 in Book 136, page 393, Records of Washington County, Oregon.

**PARCEL II:**

Beginning at a stake on the left bank of slough, South 9°23' East, 3685.4 feet from a stone the Northwest corner of the R.S. Tupper Claim No. 42, Township 1 South, Range 4 West, of the Willamette Meridian; thence North 67°09' East, 45 feet, more or less, to the center of said slough; thence in the center of said slough up stream with all its meandering in a Southerly, Westerly and Northerly direction to a point South 67°09' West, 220 feet, more or less, from the beginning point; thence North 67°09' East, 220 feet, more or less, to the place of beginning.

PARCEL III:

Beginning at the intersection of the center of the Tualatin River with the South line of the R.S. Tupper Donation Land Claim No. 42 in Section 24, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon; thence Northeasterly along the center of said river to the East line of said Tupper Claim at a point 2190.9 feet Northerly of the Southwest corner of the W.O. Gibson Donation Land Claim No. 44 in said Township and Range; thence North 23°15' West, 259.7 feet along the Easterly line of said Tupper Donation Land Claim to the center of a slough; thence Westerly along the center of said slough to the center of the Spring Hill County Road at the Southwest corner of a tract conveyed to J.W. Swift by Deed recorded December 18, 1904 in Book 66, page 298, Deed Records; thence Southeasterly along the center of said road to the South line of said Tupper Claim; thence East 4.46 chains, more or less, to the place of beginning.

EXCEPTING portion within said County Road.

PARCEL IV:

(a) Beginning at the corner common to Sections 23, 24, 25 and 26, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon; thence North 23.5 chains along the East line of Section 23 to the division line between the North and South halves of the Joshua Dickson, Donation Land Claim in said Section 23; thence West 6 chains along said division line to the Easterly right of way line of the Southern Pacific Railroad; thence South 22° West along the Easterly line of said railroad right of way to a point West of a point that is 6.00 chains North of the Southeast corner of said Dickson Claim in Section 26 of said Township and Range; thence East 16.85 chains, more or less, to the East line of said Dickson Claim; thence North 5.21 chains to the point of beginning.

(b) ALSO beginning at the Southeast corner of premises in Section 26, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon, described in Deed to Charles Wilson Tolson and Ward Quentin Tolson, recorded March 13, 1959 in Deed Book 415, page 235; thence North along the East line of said premises, 6 chains to the Northeast corner thereof; thence West on the North line of said premises, 30.0 feet to a point; thence South to a point on the South line thereof, which is West 30.0 feet from the Southeast corner of said tract; thence East 30.0 feet on said South line to the point of beginning.

EXCEPTING portions within the State Highway.

PARCEL V:

Beginning at the quarter Section corner on the East boundary of Section 24, Township 1 South, Range 4 West, of the Willamette Meridian, in the County of Washington and State of Oregon; thence South 14.25 chains to a stone in the center of the county road; thence North $76^{\circ}20'$ West, 5.64 chains to a stone in the center of the county road; thence South $75^{\circ}32'$ West, 32.70 chains to the center of the Tualatin River; thence Southerly along said river to the South line of said Section 24; thence West to the Southwest corner of said section; thence North to the division line between the North and South halves of the Joshua Dickson and wife Donation Land Claim in Section 23 of said Township and Range; thence along said division line West to the Easterly line of the Southern Pacific Railroad right of way; thence with the same Northeasterly to the North line of the South half of the Northwest quarter of said Section 24; thence East to the Northeast corner of said South half; thence North on the legal subdivision line to the South line of the R.S. Tupper Donation land Claim; thence East to the Southeast corner of said Tupper Claim; thence Southeasterly to the most Southerly corner of the W.O. Gibson Donation land Claim in said Section 24; thence North $66^{\circ}45'$ East along the Southerly line of said Gibson claim to the East line of Section 24; thence South to the place of beginning.

EXCEPTING portions thereof conveyed to Donald George Schauermann, et ux, by Deed recorded February 3, 1958 in Book 401, page 703, Deed Records.

AND ALSO EXCEPTING that portion lying Easterly of the Tualatin River.

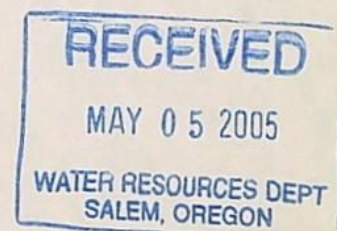
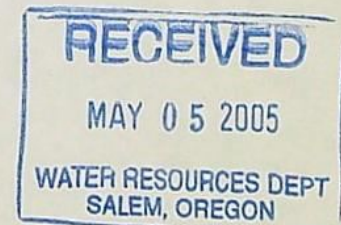


EXHIBIT B

Commitments and Agreements

None



RECEIVED

MAY 05 2005

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT C

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied, in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads and highways.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of unnamed creeks and/or sloughs and the Tualatin River.
4. Any adverse claims based upon the assertion that Tualatin River or unnamed sloughs have changed in location.
5. Any adverse claim based on the assertion that any portion of said land has been created by artificial means or has accreted to such portions so created.
6. Rights established pursuant to ORS 274.905, et seq to all or any portion of the herein described premises created by artificial means.
7. An easement created by instrument, including terms and provisions thereof;

Dated:	June 11, 1925
Recorded:	November 20, 1925
Book:	131
Page:	458
In Favor Of:	The Pacific Telephone and Telegraph Company
For:	Utilities
Affects:	Exact location not set forth
8. An easement created by instrument, including terms and provisions thereof;

Dated:	February 11, 1949
Recorded:	February 11, 1949
Book:	292
Page:	705
In Favor Of:	Joseph L. Bridges and Oakley E. Smith
For:	Electric power lines
Affects:	Exact location not set forth
9. An easement created by instrument, including terms and provisions thereof;

Dated:	May 29, 1952
Recorded:	July 1, 1952
Book:	334
Page:	265
In Favor Of:	Portland General Electric Company, an Oregon corporation
For:	Utilities
Affects:	Exact location not set forth (appears intended to affect a portion of Parcel III)
10. An easement created by instrument, including terms and provisions thereof;

Dated: December 2, 1960
 Recorded: January 16, 1961
 Book: 439
 Page: 690
 In Favor Of: Portland General Electric Company, an Oregon
 corporation
 For: Utilities
 Affects: Parcel III

11 An easement created by instrument, including terms and provisions thereof;

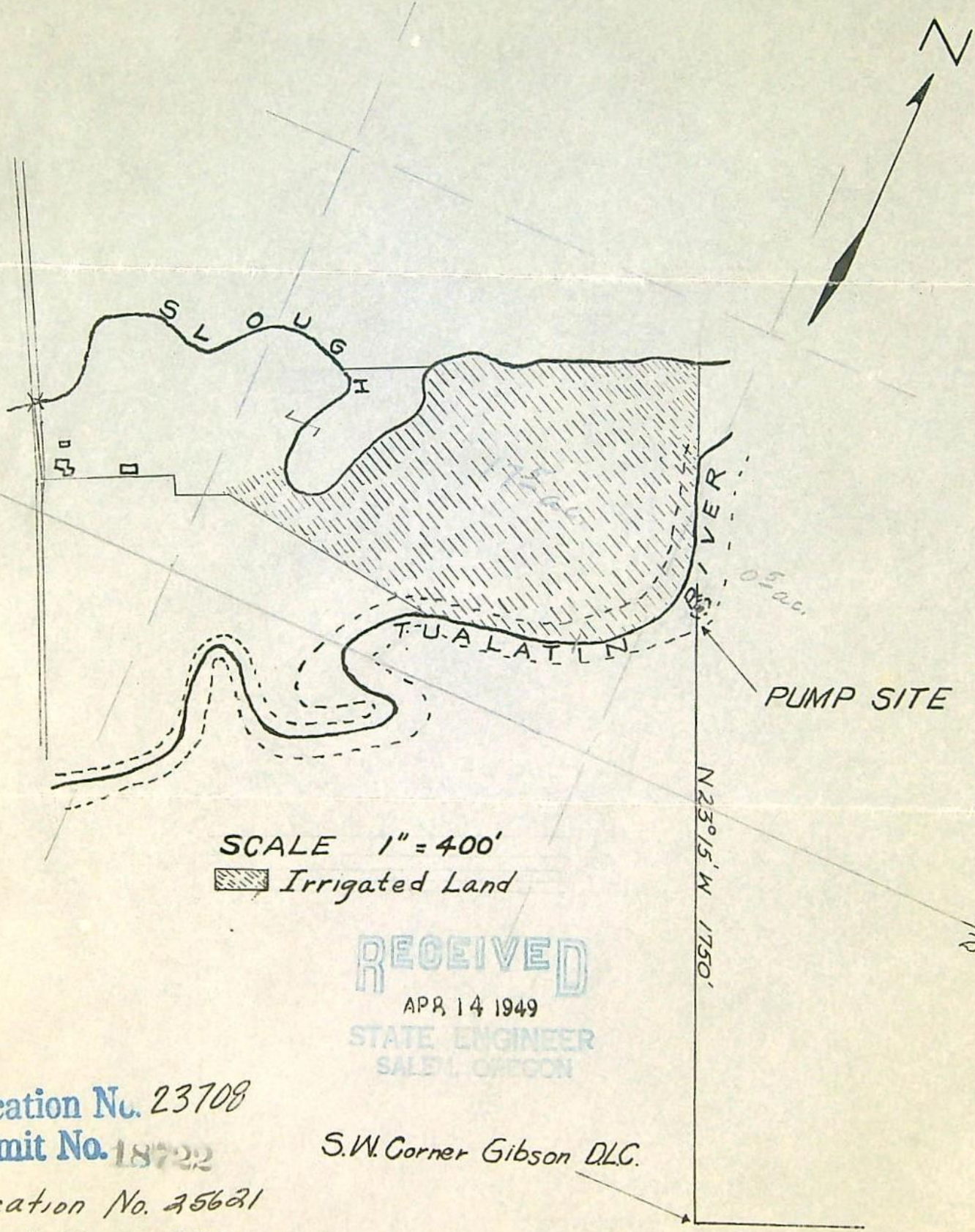
Dated: February 10, 1975
 Recorded: February 21, 1975
 Book: 1011
 Page: 853
 In Favor Of: United States of America
 For: Water lines
 Affects: Parcel III

12. An easement created by instrument, including terms and provisions thereof;

Dated: December 19, 2003
 Recorded: December 23, 2003
 Recorder's Fee No. 2003-209395
 In favor of: The United States of America, by and through the
 Commodity Credit Corporation
 For: Wetlands reserve
 Affects: All of parcels Ia,II,IVa and V and a portion of
 Parcels Ib,Ic and III

RECEIVED
 MAY 05 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

FARM OF M.P. & ERMA R. DAUGHTERS
SEC 13 TWP 15 R 4 W WM



SCALE 1" = 400'
Irrigated Land

RECEIVED
APR 14 1949
STATE ENGINEER
SALE, OREGON

Application No. 23708
Permit No. 18722
Application No. 25621
Permit No. 20099

S.W. Corner Gibson DLC.

23708

2-54B

23708
25621

February 20, 1957

M. P. and Erma R. Daughters
Route 1, Box 103 A
Gaston, Oregon

Dear Sir and Madam:

On December 18, 1956, we mailed you final proof papers in connection with your incomplete water right represented by your Permit No. 18722 granting a right to the use of 0.23 cubic foot of water per second from the Tualatin River for irrigation and final proof papers in connection with your Permit No. 20099 granting a right to the use of 0.11 cubic foot of water per second from the Tualatin River for irrigation, together with instructions that the forms were to be signed and returned to this office accompanied by the statutory certificate recording fees in the amount of \$2, being \$1 for each permit.

To date these forms have not been received and this is to notify you that unless we receive the signed final proof forms and the certificate recording fees within thirty days from the date of this letter we will be required to take action toward the cancellation of these permits.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:ld

December 18, 1956

M. P. Daughters
Erma R. Daughters
Rt. 1, Box 103 A
Gaston, Oregon

Dear Sir and Madam:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No. 18722 granting a right to the use of 0.23 cfs of the waters of Tualatin River, for irrigation.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your Permit. The proof should be dated and signed by you on the second sheet under the Affidavit of Appropriator and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory fee of \$1, a Certificate of Water Right will be issued confirming the rights thereunder and, after being recorded in the records of Washington County, will be forwarded to you.

In the interest of economy and due to the fact that your completed project was examined by a representative of this department, it is not necessary that your signature be made before a Notary Public, nor that the signatures of witnesses be affixed to the proof.

Yours very truly,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 117

^{mb}
ENClosure

February 7, 1951

Mr. M. P. and Erma R. Doughton
Route 1
Gaston, Oregon

Dear Sir and Madam:

This will acknowledge receipt of Forms B and C, being notices of the completion of construction, and complete application of water under your Permit No. 18722.

Pursuant to your reports and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the acreage actually irrigated. After this survey, proof may be made by you and certificate issued covering the lands which the survey shows to have been irrigated, and any lands described in your permit that have not been irrigated will be automatically eliminated from your water right.

In the meantime, the permit which you hold will be valid evidence of your water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Geo. V. Naderman, Assistant

GVN:dlh

January 17, 1950

M. P. and Erma R. Daughters
Route 1, Box 103 A
Gaston, Oregon

Dear Sir and Madam:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 18722, in the name of **M. P. and Erma R. Daughters.**

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1951, when under its terms, construction should be completed.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

M.P. & Erma R. Daughters
Route 1
Gaston, Oregon

September 15, 1949

23708

Dear Sir and Madam:

Herewith you will find Application No. 23708, Permit No. 18722, together with blueprint.

This application has been approved and recorded in this office.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS:

Your permit has been recorded in this office, but you should hold the original as evidence of your water right unless the land described therein is disposed of. In that event you should file an assignment to the new owner for record in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the back page of the application form, limits the time in which you may begin and complete construction of your project. According to law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing, but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed, and when the water has been completely applied to the proposed use.

Whenever a measuring device becomes necessary for the proper distribution of water the permittee will be required to install one to the satisfaction of the State Engineer as provided by Section 116-501, O.C.L.A.

As soon as the work is completed and the water applied to the proposed use, you should notify the State Engineer who will then take up with you the matter of final proof, after which a water right certificate will be issued.

If your use of water is for irrigation, proof can be made only after you have actually irrigated ALL of the land described in your permit, which you intend to irrigate at any time.

Yours very truly,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

23708

April 26, 1949

M. P. and Erma R. Daughters
Route 1
Gaston, Oregon

Dear Sir and Madam:

This acknowledges receipt of your application for a permit to appropriate 0.2250 cubic foot per second of water from Tualatin River for irrigation, together with your remittance in the amount of \$15.10, for which our Receipt No. 6776 is enclosed.

The application, which has been checked over, has been filed and given No. 23708. It appears to be in satisfactory form and is being placed in line for approval and issuance of a permit.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:vc
Enc.

Permit No. 18722

RECEIVED

22468

Application No. 23708

FEB 26 1957
 STATE ENGINEER Washington
 SALEM, OREGON

Proof of Appropriation of Water

1. Name M. P. Daughters & Erma R. Daughters 2. Address Box 103 A
Route 1 / Gaston, Oregon
3. Source of supply Tualatin River
 Tributary of Willamette River
4. Amount of water 0.23 cfs 5. Priority date April 14, 1949
6. Use irrigation 1/80th and 2 1/2 a.f.
in Tupper DLC #42
7. Location of point of diversion SW 1/4 SE 1/4 / Sec. 13, Twp. 1 S, Range 4 W, W. M.
(Legal Subdivision)
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
1 S	4 W	13	SE 1/4 SW 1/4 As projected within R. F. Tupper DLC #42	3.4
			SW 1/4 SE 1/4 " " " " " "	<u>14.6</u>
				18.0

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February,

19.5.7.

1296

M. P. Daughters

Erma R Daughters

Permit No. 18722

Application No. 23708

County WASHINGTON

Proof of Appropriation of Water

Plate DFR-3D-180
 4-19-58
 RRD

1. Name M. P. Daughters & Erma R. Daughters 2. Address Route 1, Gaston, Oregon
3. Source of supply Tualatin River
 Tributary of Willamette River
4. Amount of water 0.225 c.f.s. 5. Priority date April 14, 1949
6. Use irrigation *1/80 & 2 1/2*

SW 1/4 SE 1/4 → *Being within RFTopper DLC #42*

7. Location of point of diversion, S.E. 1/4 of S.E. 1/4 Sec. 13, Twp. 1 S, Range 4 W, W. M.
(Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	4 W	13	SE 1/4 of SW 1/4	<u>5</u>	<u>34</u>
1 S	4 W	13	SW 1/4 of SE 1/4	<u>17.5</u>	<u>146</u>
			SE 1/4 of SW 1/4	<u>18.0</u>	<u>180</u>

6.5 acres being within RFTopper DLC #42

If for irrigation, this appropriation shall be limited to 1/80th 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

(SEE ATTACHED SHEET FOR LEGAL DESCRIPTION)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.; length on bottom, ft.; material used and character of construction,
-
- (b) Give description of headgate: Width, ft.; depth, ft.; material used and character of construction,
-
- (c) Size of canal: Width on top (at waterline), ft.; width on bottom, ft.; depth of water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft. Give general description:
-
- (d) Pipe line: Description of intake,
-
- Length of pipe, ft.; size at intake, in.; size at ft. from intake, in.; size at place of use, in. Difference in elevation between intake and place of use, ft. Is grade uniform? Actual capacity of pipe line, sec.-ft. Give general description:
- (Material: Steel, wrought, cast iron, wood stave, etc.)
-
- (e) Pumping plant: Give size and type of pump,
- Suction lift, ft.; discharge lift, ft. Type of motor used
- Horsepower rating, H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used?
11. State character of soil
- Kind of crops raised
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use?
13. If not, wherein is such map in error?
-
14. Domestic use: Give number of families actually using water at this itme
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use
-

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of } ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 19.....

Subscribed and sworn to before me this day of, 19.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of } ss.

We,, and of, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No.; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this day of, 19.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, Robert D. Best, do hereby certify that I have made an inspection of the works described herein and in Permit No. 18722, on the 19th day of April, 1999, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

Robert D. Best
(Name)
State Engineer
(Title)

see 26621-20099

Beginning at a point in the center of a slough on the west boundary of the W. O. Gibson D.L.C. Claim 44 in T1S R 14W of the Will. Mer., said point being 2450.6 ft. north of the southwest corner of said DLC; thence southwesterly along center of said slough 1320 ft. more or less; thence south $81^{\circ} 30'$ East 308 feet to an iron pin; thence south $7^{\circ} 47'$ west 628 feet to the center of the Tualatin River; thence northeasterly along center of said river 2170. feet more or less to a point on said West boundary of said DLC said point being 2190. 9 feet north of said southwest corner of said DLC; thence north $23^{\circ} 15'$ West 259.7 feet along said west boundary of DLC to the place of beginning, containing 18.50 acres, more or less.

Also beginning at a point in the center of the Forest Grove and Lafayette County Road S. $4^{\circ} 14'$ W. 4302.5 ft. from a stone, the northeast corner of the R. S. Tupper C. #42, in T1S R14W W M. said point being the southwest corner of the Guy Hoover 7 acre tract as recorded in Book 80 page 336 records of deeds for Wash. Co. Oregon, running thence N. $64^{\circ} 03'$ E. 396 ft to an iron; thence S. $26^{\circ} 15'$ E. 76 feet to an iron; thence S. $64^{\circ} 03'$ W. 394.2 ft. to a point in the center line of said County Road; thence N. $27^{\circ} 35'$ West 76 ft. to the place of beginning, containing 0.69 acres.

Also a roadway described as follows: Beginning at an iron the S. E. corner of the above described tract; thence S. $26^{\circ} 15'$ East 77.1 ft. to an iron the southerly corner of the above mentioned Hoover 7 acre tract; thence N. $64^{\circ} 07'$ E. 191.3 ft. to an iron on the Hoover S. line; thence S. $82^{\circ} 08'$ E. 403.4 ft. an iron on the line of the D. Stewart 15 acre tract as recorded in Book 93 page 466 records of Deeds for Washington County, Oregon, S. $7^{\circ} 12'$ W. 80.3 feet from the N.E. corner of the said Stewart tract, thence South $7^{\circ} 12'$ west 20 feet to an iron; thence north $82^{\circ} 08'$ W. 403.4 feet to a point; thence south $64^{\circ} 07'$ West 215.2 feet to a point; thence North $26^{\circ} 15'$ West 97.1 feet to a point on the south line of the above described tract; thence north $64^{\circ} 03'$ East 30 feet to the place of beginning, containing 0.323 acres,

EXCEPTING from the 18.50 acre tract, that 9 acre tract, more or less, described in Book 102 page 282 of the Records of Deeds for Washington County, Oregon deeded to Hoover, and a tract of about $1\frac{1}{2}$ acres described in Deed recorded in Book 102, page 280 of the Records of Deeds for Washington County, Oregon, deeded to Dale J. Stewart.

Also: Being part of R. S. Tupper D.L.C. No. 42 in T1S R14W, Will. Mer and more particularly bounded as follows, to-wit; Beginning where the center line of the Forest Grove and LaFayette Road crosses the slough in said claim, said beginning point being the S. " corner of a tract of 10 acres conveyed to Joseph W. Swift by deed recorded at page 298 of Book 66, Records of Deeds for Washington County, Oregon; running thence S. $26^{\circ} 25'$ E. 3.75 chains to a point from which an iron bears N. $63^{\circ} 35'$ E. 30 ft; thence N. $63^{\circ} 35'$ E. 6.00 chains to an iron; thence S. $26^{\circ} 25'$ E. 2.32 chains; thence N. $63^{\circ} 35'$ E. 5.00 chains to center of said slough; thence up center of said slough to place of beginning and containing 7.00 acres, more or less.

Also: Beginning at an iron on the right bank of slough, South $5^{\circ} 29'$ East 4138.0 feet from a stone the Northeast corner of the R. F. Tupper Cl. #42, in T1S R14W, W. M., said point being the witness corner to the Southeast corner of the Guy Hoover 7-acre tract as recorded in Book 80 page 336 Records of Deeds for Washington County, Oregon, and the most Northerly corner of the D. Stewart 15-acre tract as recorded in Book 93 page 466 Records of Deeds for Washington County, Oregon, thence on the said Stewart North line South $85^{\circ} 17'$ E. 308 feet to an iron, the N. E. Corner of the D Stewart 15-acre tract; thence on the Stewart East line South $7^{\circ} 12'$ West 80.3 feet to an iron; thence North $82^{\circ} 08'$ West 403.4 feet to an iron on the division line between Stewart and Hoover; thence on said division line North $64^{\circ} 07'$ East 114 feet to the place of beginning, containing 0.58 acres.

Also: Beginning at a stake on the left bank of slough S $9^{\circ} 23'$ E-3685.4 ft. from a stone the N.E. corner of the R. F. Tupper Cl. 42-T1S-R14W-W.M., Wash. County, Oregon; thence N. $67^{\circ} 09'$ E-45 ft. more or less to the center line of said slough; thence in the center line of said slough up stream with all its meanderings in a southerly, Westerly and northerly direction to a point S $67^{\circ} 09'$ W-220 ft. more or less from the beginning point; thence N. $67^{\circ} 09'$ E-220 ft. more or less to the place of beginning; containing 1.75 acres more or less.

(Over)

Also: Beginning at an iron on the right bank of slough, S. $5^{\circ} 29'$ E. 1138 feet from a stone, the Northeast corner of the R. F. Tupper D. L. C. #42 in T. 1 S. R. 4 W. W. M. said point being the witness corner to the Southeast corner of the Guy Hoover 7-acre tract as recorded in Book 80 page 336 Records of Deeds for Washington County, Oregon, and the most northerly corner of the D. Stewart 15-acre tract as recorded in Book 93, page 466, Records of Deeds for Washington County, Oregon; thence on the South line of said Hoover tract North $64^{\circ} 07'$ East 62 feet more or less, to the center line of the slough, said point being the Southeast corner of said Hoover tract; thence following the center line of slough down stream with all its meanderings in a Northerly and Easterly direction 1000 feet, more or less to a point, the Northeast corner of the herein described tract; thence South $6^{\circ} 04'$ East 780 feet, more or less to an iron about 30 feet from the bank of the Tualatin River; thence south $77^{\circ} 47'$ West 219.2 feet to an iron; thence South $76^{\circ} 37'$ West 169.6 feet to an iron, thence North $82^{\circ} 08'$ West 114.6 feet to an iron on the East line of the Stewart tract; thence North $7^{\circ} 12'$ East 80.3 feet to an iron, the Northeast corner of Stewart tract; thence North $85^{\circ} 17'$ West 308 feet to the place of beginning, containing 9 acres of land, more or less.

FARM OF M.P. & ERMA R. DAUGHTERS
SEC 13 TWP. 15 R 4 W WM



SCALE 1" = 400'
Irrigated Land

APR 14 1949

Application No. 23708
Permit No. 18722

S.W. Corner Gibson DLC.

23708

2-54B