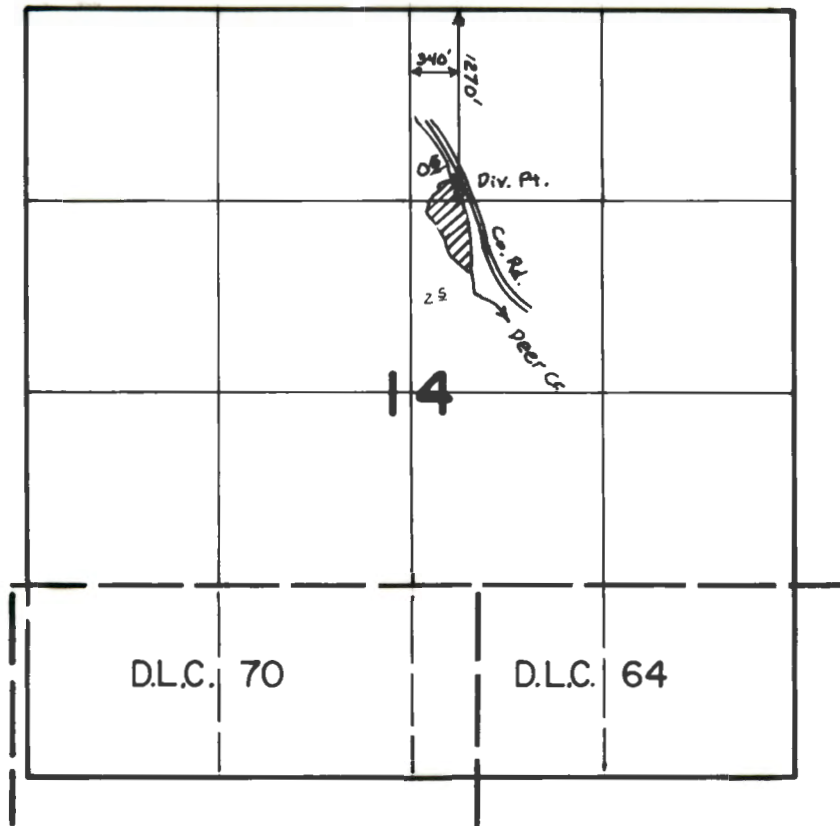




T.5S., R.6W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 53991 Permit No. 40262  
IN NAME OF

EVERETT DE HART

Surveyed AUG. 3 1976, by D. NORBY

of Route 2, Box 275, Sheridan  
has applied beneficially the waters of  
Deer Creek

, State of Oregon, 97378

a tributary of Yamhill River  
irrigation of 3.1 acres

for the purpose of

under Permit No. 40262 and that the use of said waters has been completed under the  
terms of said permit; that the priority of the right dates from

March 8, 1976

that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of

0.04 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 NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, T. 5 S., R. 6 W., W. M.,  
1270 feet South and 340 feet East from the NW $\frac{1}{4}$  Corner, Section 14

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

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

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

0.6 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
2.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 14  
T. 5 S., R. 6 W., W. M.

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 27 day of OCTOBER

1978

Everett De Hart

October 29, 1999

**Johnny D. & Kim M. Greene**  
26730 Smithville Rd.  
Sheridan OR 97378

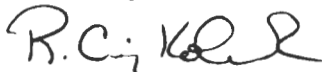
With regard to the Water Right Ownership Update and the associated water rights:

<u>Application #</u>	<u>Permit #</u>	<u>Certificate #</u>
S - 53991	S - 40262	46948

The Water Resources Department has reviewed and accepted the Water Right Ownership letter/form you submitted. A copy of this confirmation letter has been placed in the corresponding application, permit, certificate file in the Water Rights section of our department, along with a copy of the Water Right Ownership letter/form you submitted.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek  
Technical Services Division

c: Water Rights Section



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

OREGON WATER RESOURCES DEPARTMENT  
WATER RIGHT OWNERSHIP UPDATE FORM

NOTICE TO SELLERS & BUYERS:

By law all water belongs to the public (ORS 537.110). In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water (ORS 537.130). However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at (503)378-8455.

... Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION:

Name: Everett DeHart  
Street Address: P.O. Box 782  
City: Pacific City State: OR Zip: 97135  
Phone: (503)(p)(541) 965-2225

PROPERTY BUYER INFORMATION:

*Now current owner*

Name: JOHNNY D GREENE SR. & Kim Maselli Greene  
Street Address: 26730 Smithville Rd.  
City: SHERIDAN State: OR Zip: 97378  
Phone: 503-843-2460

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: YAMHILL Township: T.5S Range: R.6.W Section: WM  
Tax Lot number(s): R5614-500  
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RIGHT INFORMATION <sup>see</sup> (attach copy of water right certificate or permit & final proof map if available):

Application #: \_\_\_\_\_ Permit # \_\_\_\_\_ Certificate # \_\_\_\_\_  
Will all lands associated with the water right be owned by the buyer? Yes  No  *on the current parcel.*

Name of individual completing this form: Kim Greene phone: 843-2460  
Signature: Kim Greene Date: 4/24/93

Select by certificate 44948

Name: EVIDENT SEVENT

County : YAMHILL  
 Status : NON-CANCELLED  
 Certificate type: CR  
 Certificate date: 11/17/1976

Application: S 53991  
 Permit : S 40242  
 Certificate: 44948  
 Supersedes certificate: 0

NT 2 0X 275  
 DISTRICT 01 87375

Related documents:  
 Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
SEV CR > S YAMHILL R	IR	P	3/ 9/1976	0.040000CS	S S 6 W 14 NAME		V

Legal description: 1270 FT S R 340 FT E RM 1/4 COR, S14  
 Rate: 1/30 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:

Use	P/S	Location	DLC/LOT	Acres	Status	Remarks
IR	P	S S 6 W 14 NAME		0.600	V	
IR	P	S S 6 W 14 NAME		2.500	V	

10/25/99

To whom it may concern:

Enclosed please find the current homeowner's paperwork on the property located at 26730 Smithville Road (see enclosed printed check for verification). Please have the name for the water right ownership changed.

The irrigation has been exercised fully and will continue to be used for irrigation purposes.

Also enclosed is a check that I promised to pay back in 1/99.

Thank you for your time. If you have any questions, feel free to call, (503) 472-4193.

Kim Greene

Permit # 46262  
Appl # 53991  
Cert # 46948

OREGON WATER RESOURCES DEPARTMENT  
WATER RIGHT OWNERSHIP UPDATE FORM

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Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at (503)378-8455.

... Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

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Name: Everett Detart  
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City: Pacific City State: OR Zip: 97135  
Phone: (503) (541) 965-2225

PROPERTY BUYER INFORMATION:

*Now current owner*

Name: JOHNNY D GREENE SR. & Kim Maselli Greene  
Street Address: 26730 Smithville Rd.  
City: SHERIDAN State: OR Zip: 97378  
Phone: 503-843-2460

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: YAMHILL Township: T.5S Range: R.6W Section: WM  
Tax Lot number(s): R5614-500  
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RIGHT INFORMATION (attach <sup>see</sup> copy of water right certificate or permit & final proof map if available):

Application #: \_\_\_\_\_ Permit # \_\_\_\_\_ Certificate # \_\_\_\_\_  
Will all lands associated with the water right be owned by the buyer? Yes  No  *as the current parcel.*

Name of individual completing this form: Kim Greene Phone: 843-2460  
Signature: Kim Greene Date: 4/24/93

## STATE OF OREGON

COUNTY OF

YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That EVERETT DE HART

of Route 2, Box 275, Sheridan, State of Oregon, 97378, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Deer Creek

a tributary of Yamhill River for the purpose of irrigation of 3.1 acres

under Permit No. 40262 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 8, 1976

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 0.04 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 NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, T. 5 S., R. 6 W., W. M., 1270 feet South and 340 feet East from the N $\frac{1}{2}$  Corner, Section 14

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

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

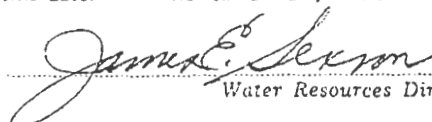
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.6 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
2.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 14  
T. 5 S., R. 6 W., W. M.

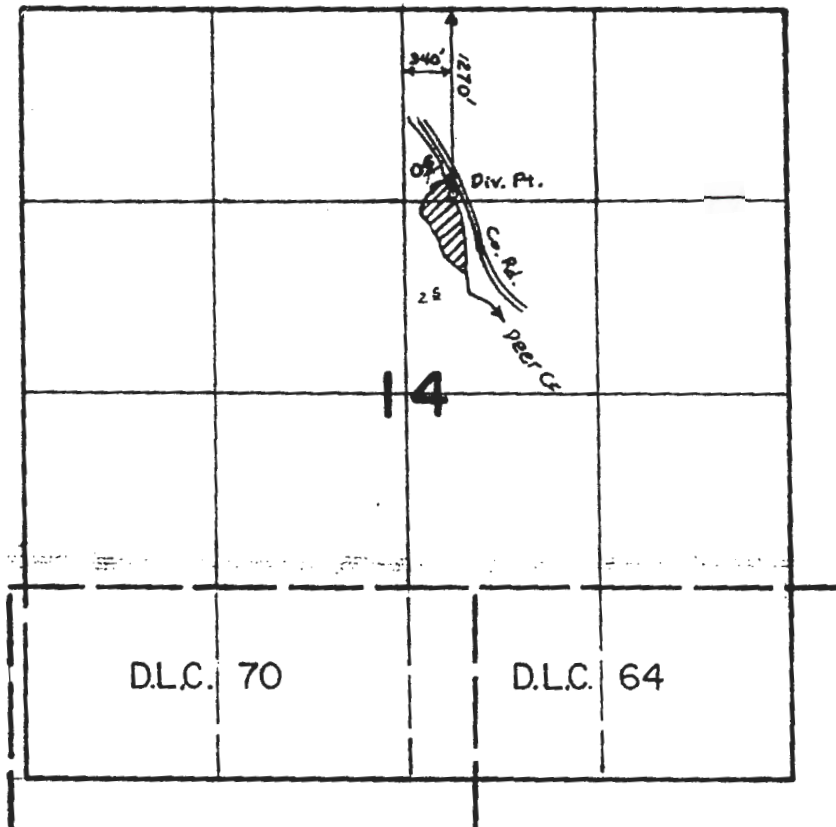
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 17, 1978

  
Water Resources Director

# T.5S., R.6W., W.M.



## FINAL PROOF SURVEY UNDER

Application No. 53991 Permit No. 40262  
IN NAME OF

EVERETT DE HART

Surveyed AUG. 3, 1976, by D. NORBY

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **34166**

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

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

RECEIVED FROM: Kim Myself: Greede  
BY: John Dale Greene, Sr.

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # 96-7081 OTHER: (IDENTIFY)

**TOTAL REC'D \$ 2.50**

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT.  \$

PCA AND OBJECT CLASS \_\_\_\_\_ VOUCHER # \_\_\_\_\_

**0427 WRD OPERATING ACCT**

*PCA # 66111*

0407 MISCELLANEOUS COPY & TAPE FEES	\$ 2.50
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$

**WATER RIGHTS:**

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

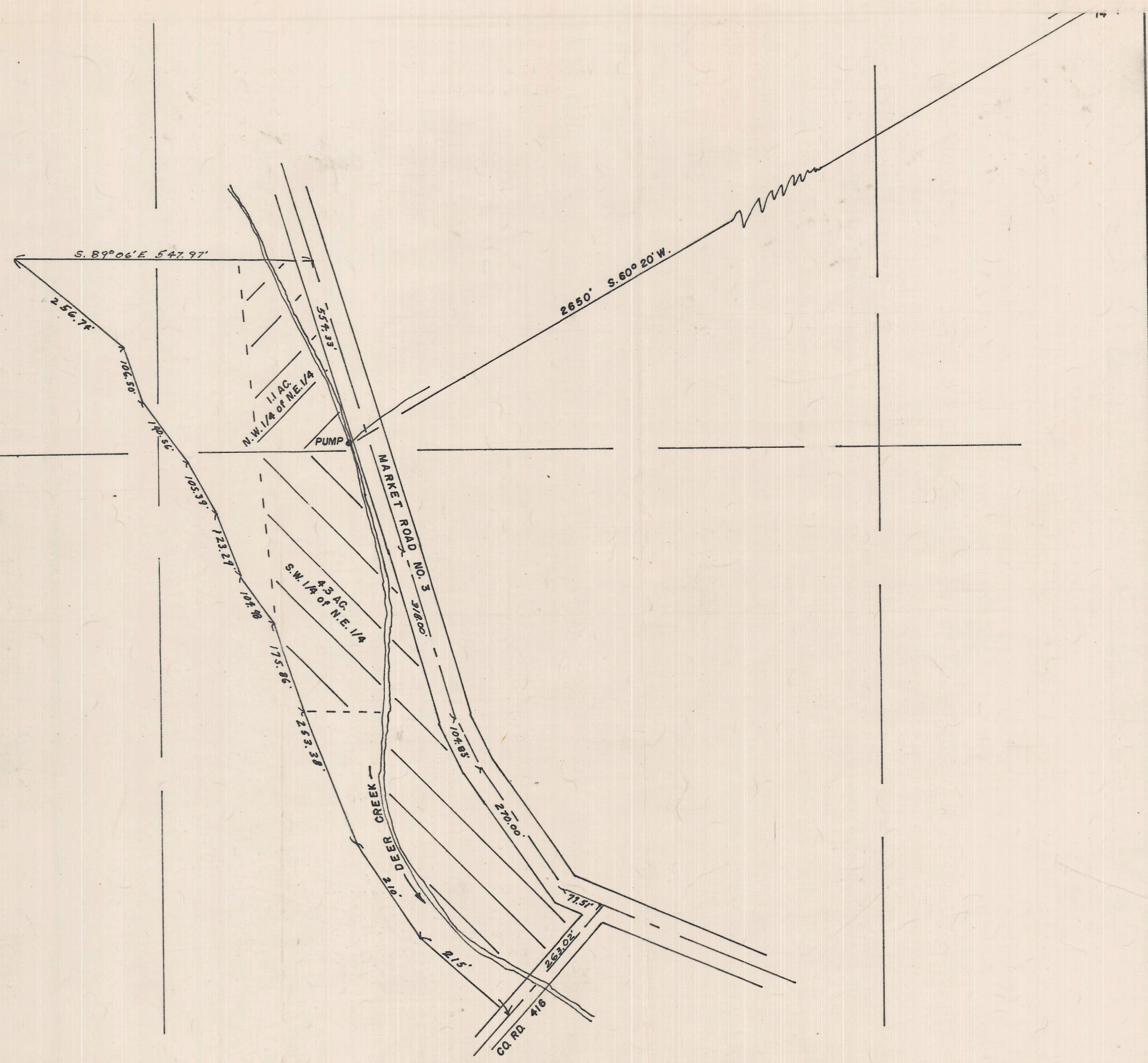
**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **34166**

DATED: 10-28-99 BY: Roger Wright

RECEIVED  
 MAR 3 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON



Irrigation Map  
 for  
 Everett DeHart  
 Located in Section 14, T.5.S.R.6 W.W.M.  
 Yamhill County, Oregon  
 1.1 AC. in the N.W.1/4 of the N.E.1/4  
 4.3 AC. " S.W.1/4 " N.E.1/4  
 Point of diversion is located S. 60° 20' W. 2650 feet from the  
 Northeast corner of Section 14, T.5.S.R.6 W.W.M. YAMHILL  
 COUNTY OREGON.

Application No. 53991  
 Permit No. 40262

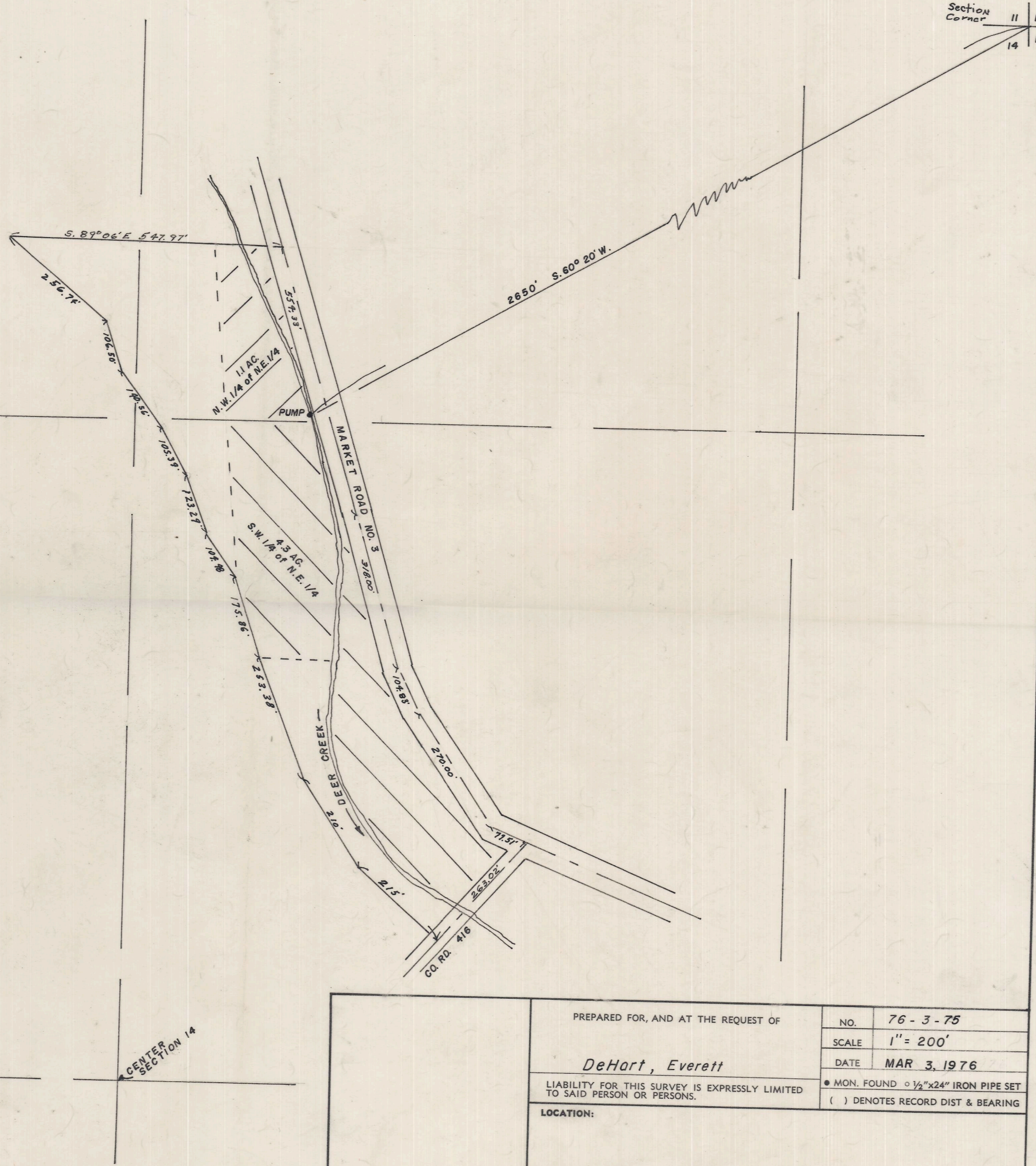
CENTER  
 SECTION 14

PREPARED FOR, AND AT THE REQUEST OF	NO. 76-3-75
DeHart, Everett	SCALE 1" = 200'
LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED <small>BY STATE REGULATION</small>	DATE MAR 3, 1976
	MON. FOUND 1/2" x 24" IRON PIPE SET

RECEIVED

MAR 8 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

Section  
Corner 11 12  
14 13



Irrigation Map  
for  
Everett DeHart  
Located in Section 14, T.5.S.R.6.W.W.M.  
Yamhill County, Oregon

1.1 AC. in the N.W.1/4 of the N.E.1/4  
4.3 AC. " S.W.1/4 " N.E.1/4

Point of diversion is located S.60°20'W. 2650 feet from the  
Northeast corner of Section 14, T.5.S.R.6.W.W.M. YAMHILL  
COUNTY OREGON.

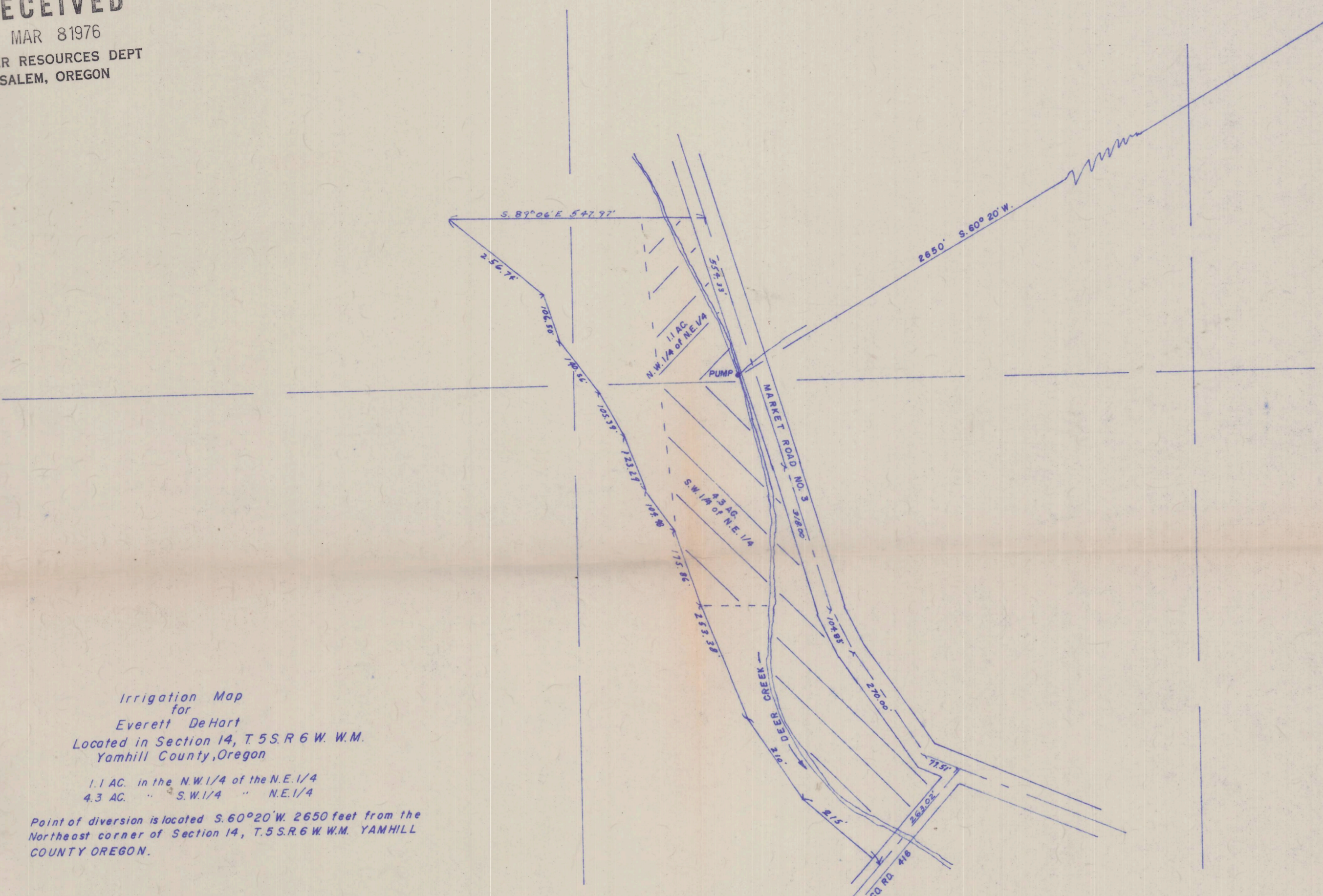
Application No. 53991  
Permit No. 40262

SECTION 14

PREPARED FOR, AND AT THE REQUEST OF	No. 76-3-75
<i>DeHart, Everett</i>	SCALE 1" = 200'
LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.	DATE MAR 3, 1976
LOCATION:	MON. FOUND. 2 1/2" x 2 1/2" IRON PIPE SET ( ) DENOTES RECORD DIST & BEARING
1/4 SEC. 14 T. 5 S. R. 6 W. W.M., YAMHILL COUNTY, OREGON	
<b>BARNES SURVEYING &amp; ENGINEERING, INC.</b>	
2545 STATE STREET • SALEM, OREGON 97301 • PHONE 581-0911	
DAVID L. BASCUE LAND SURVEYOR	ELMER E. SEAY LAND PLANNER

RECEIVED  
 MAR 8 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON

Section 11 12  
 14 13



Irrigation Map  
 for  
 Everett DeHart  
 Located in Section 14, T.5 S. R. 6 W. W.M.  
 Yamhill County, Oregon  
 1.1 AC. in the N.W. 1/4 of the N.E. 1/4  
 4.3 AC. " S.W. 1/4 " N.E. 1/4  
 Point of diversion is located S. 60° 20' W. 2650 feet from the  
 Northeast corner of Section 14, T. 5 S. R. 6 W. W.M. YAMHILL  
 COUNTY OREGON.

Application No. 5399/  
 Permit No. 40262

PREPARED FOR, AND AT THE REQUEST OF	NO. 76-3-75
DeHart, Everett	SCALE 1" = 200'
LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.	DATE MAR 3, 1976
LOCATION:	* MON. FOUND = 1/2" x 24" IRON PIPE SET. ( ) DENOTES RECORD DIST & BEARING
1/4 SEC. 14 T. 5 S. R. 6 W. W.M. YAMHILL COUNTY OREGON	
<b>BARNES SURVEYING &amp; ENGINEERING, INC.</b>	
2545 STATE STREET	SALEM, OREGON 97301
DAVID L. BASQUE LAND SURVEYOR	ELMER E. SEAY LAND PLANNER
	PHONE 581-0911

Book

# Abstract of Permit No. 40262

Application No. 53991

Certificate No.

Name **Everett De Hart**  
Route 2, Box 275  
Address **Sheridan, Oregon 97378**

Source of water supply **Deer Creek trib of Yamhill River**

Use **Irrigation of 3.4**  
**1270' S + 340' E from N 1/4 cor.**

Point of diversion **S60° 20' W 2650'** from NE c., s.14, being within NW 1/2 NE 1/2 s.14, T.5 S., R.6 W., W.M.; Yamhill County

Number of acres **5.4**

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
5 S	6 W	14			4.3													
				1.1														
						NW 1/4 NE 1/4												0.6
						SW 1/4 NE 1/4												2.2

Priority date **March 8, 1976**

Amount of water **0.07** c.f.s.

Time limit to begin construction ~~5-3-77~~

Time limit to complete construction ~~10-1-77~~ extended to extended to

Time limit to completely apply water ~~10-1-78~~ extended to extended to

Remarks: Limitations: **1/80<sup>th</sup> c.f.s., 2 1/2 a.f.**

DFQ-344-146  
8-3-76  
DMN

Sign

CGM

Deer Creek  
PRE-C  
8-3-76  
DMN

Basin 2, Volume 11-A

checked for lots  
2/22/8

INFO- MRS DEHART they have irr on the W'ly side of the creek  
But haven't on the E'ly side. They are hoping to do this before  
the 'c' date is up.

David Forby  
7E  
8-3-76

INFO- MR. DEHART TOLD US TO GO AHEAD AND SURVEY IT OUT  
AND "GET IT OVER WITH" IT IS THE SAME LAND BUELL SURVEYED  
FOR THE ADJUDICATION.

SOURCE- Deer Creek

DIV. PT. - About 1/4 of a 55 gal drum sits in the creek from  
which they pump

MOTOR- A.O. SMITH  
1 HP @ 3450

$$\frac{1 \times 6.60}{10 + 114.3} = .05 \text{ cfs}$$

PUMP- JACUZZI  
Cent D.D.  
1 1/2 x 1

PIPE- 400' 1 1/2" plastic  
50' 2" plastic  
450' 1" plastic

garden hose (about 150')

HEADS- 6 RB 30 3/16 x 1/8  $\frac{6 \times 10 + 10}{450} = 0.13 \text{ cfs}$   
(5 max)

LIFT- +10 to +30 (90% @ +10)

CROP- L&G and Pasture

TIE- Photo DFQ-3U-146

David Forby  
7E  
8-3-76

1967/50

KNOW ALL MEN BY THESE PRESENTS, That Harvey Bontrager and Vera Bontrager, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Everett DeHart and Vallie DeHart, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

A tract of land in Section 14, Township 5 South, Range 6 West of the Willamette Meridian, Yamhill County, Oregon, being a portion of that certain tract of land described in Film Volume 75, Page 40, 41 Yamhill County Deed Records, hereinafter referred to as the main tract. Basis of bearings for this description is S South 89° 06' East on an existing fence line on the North line of Lot 2 of County Survey No. 2451.

Beginning at the Southeast corner of Lot 1 of County Survey No. 2451, said corner being in the center of County Market Road No. 3 on the North line of the main tract; thence North 89° 06' West along the North line of the main tract, 547.97 feet; thence South 50° 30' 40" East 256.74 feet to an iron rod; thence South 18° 01' 40" East, 106.50 feet to an iron rod; thence South 36° 05' 20" East, 140.56 feet to an iron rod; thence South 29° 19' 30" East, 105.39 feet to an iron rod; thence South 21° 04' 10" East 123.29 feet to an iron rod; thence South 35° 23' 40", 104.48 feet to an iron rod; thence South 18° 20' 30" East, 175.86 feet to an iron rod; thence South 20° 56' 10" East, 253.38 feet to an iron rod; thence South 33° 09' 10" East, 210 feet to an iron rod; thence South 48° 24' 10" East, 215 feet to County Road No. 416; thence North 41° 36' East, along said road, 263 feet to Market Road No. 3; thence the following courses along the travelled center of said Road;

- North 63° 47' 30" West, 77.5 feet;
- North 33° 49' 50" West, 270 feet;
- North 27° 40' 30" West, 104.8 feet;
- North 16° 04' 50" West, 318 feet to an iron pipe

at the Southeast corner of Lot 2 in County Survey No. 2451; thence continuing along said Road, North 16° 53' 30" West, 554.3 feet, more or less, to the point of beginning.

WITNESS grantor's hand this day of January 1972.

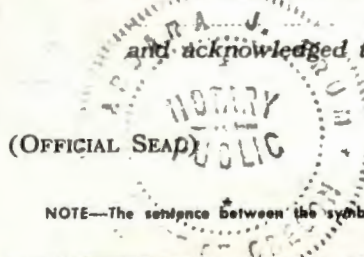
Application No. 53991  
Permit No.

Harvey M. Bontrager  
Vera V. Bontrager

STATE OF OREGON, County of Yamhill ) ss. January 6, 1972  
Personally appeared the above named Harvey M. Bontrager and Vera V. Bontrager

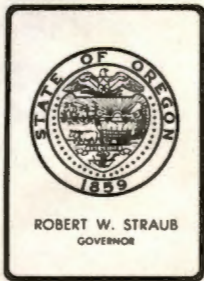
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Barbara J. Furr  
Notary Public for Oregon  
My commission expires Sept. 19, 1975



RECEIVED  
MAR - 9 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

NOTE—The sentence between the symbols ( ), if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

October 25, 1978

File No. 53991

Everett DeHart  
Route 2, Box 275  
Sheridan, OR 97378

Dear Mr. DeHart,

While marking records, I realized the proof form sent to you in connection with your permit 40262 was in error.

Your diversion point is shown on the final proof map as being east of the reference corner rather than west; therefore, I have prepared another proof for your signature. The original proof is also enclosed for your comparison.

Please sign the corrected proof form and return it at your earliest convenience. I apologize for the oversight.

Sincerely,

Thomas E. Shook  
Water Rights Engineer

TES/dw

Everett DeHart  
Route 2, Box 275  
Sheridan, OR 97378

May 27, 1976

53991

Dear Mr. DeHart:

40262 with map.

378-3066

File No. 53991

March 17, 1976

Everett DeHart  
Route 2, Box 275  
Sheridan, Oregon 97378

Dear Mr. DeHart:

This will acknowledge the map, legal description, fees of \$30.00 and application for a permit to appropriate 0.07 cubic foot per second of water from Deer Creek for the irrigation of 5.4 acres.

Your application has been filed as number 53991 and is in satisfactory form for approval by the issuance of a permit, with the understanding that water may not be available at all times.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:fg

RECEIVED

MAR - 9 1976

WATER RESOURCES DEPT.

SALEM, OREGON

March 8, 76

Sir,

enclosed is legal description of  
property for water right. I filed  
this date 3.8.76.

Everett L. DeHart