



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

Application for a Permit to  
**Store Water in  
 a Reservoir**  
 (Alternate Review)

MAR 17 2009

WATER RESOURCES DEPARTMENT  
 STATE OF OREGON

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Timothy and Suzanne Kreder  
First Last  
 Mailing Address: 1301 N.E. Hwy 99 W #163  
McMinnville OR 97128  
City State Zip  
 Phone: 503-864-2077 503-559-8077  
Home Work Other  
 \*Fax: \_\_\_\_\_ \*Email Address: haiji@earthlink.net  
 \*optional information

**2. LOCATION AND SOURCE**

A. Reservoir Name: Rutschman Pond  
 B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.  
 Source: Run-off / Unnamed Tributary to: Holdridge Crk - 1  
 C. Reservoir Location Streams & Springs

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
<u>SS</u>	<u>4 W</u>	<u>13</u>	<u>NE NE</u>	<u>R5413-00100</u>

D. County of Use: Yamhill  
 E. Dam: Maximum height of dam: 0 feet. If excavated, write "excavated" or "0 feet".  
 F. Quantity: Amount of water to be stored in the reservoir at maximum capacity.  
 List quantity in Acre-Feet: 10  
TK 3-17-09

**3. WATER USE**

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose use

App. No. R-87421 For Department Use Permit No. \_\_\_\_\_ Date \_\_\_\_\_

4. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above)

List Name and mailing addresses of all affected land owners:

NA

5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir  In Stream or  off channel?

B. Wetland: is the project in a wetland?  Yes  No  Don't know

C. Existing: is this an existing reservoir?  Yes  No

If yes how long has it been in place? \_\_\_\_\_ years

D. Fish Habitat: Is there fish habitat upstream from the proposed structure?  Yes  No  Don't know

If yes, how much? \_\_\_\_\_ miles

E. Partnerships: Have you been working with other agencies?  Yes  No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. Chad Cheretko Dist. Conservationist

USDA-NRCS 2200 W. 2nd St McMinnville OR 97128-9185  
Teresa Kunch - NRCS Soil Scientist 33630 McFarland Rd Tangent OR 97389

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Zeddy C. Kuch Algonne E Meder 3-16-09  
Landowner Signature Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF= \$ 100 ; 1.5 AF= \$ 120 ; 20.0 AF= \$ 480 ; 30.0 AF= \$ 680.



# Oregon Water Resources Department Land Use Information Form

R-87421

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

Applicant Name: Timothy Kreder Suzanne Kreder  
Mailing Address: 1301 NE Hwy 99 W # 163  
City: McMinnville State: OR Zip: 97128 Day Phone: 503 864-2077

### A. Land and Location

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

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
5 S	4 W	13	NE NE	R5483	EFFU (RR-5)	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFFU
5 S	4 W	13	NW NE	00100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Yamhill County

RECEIVED

MAR 17 2009

### B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond  Ground Water  Surface Water (name) Unnamed Stream - Spring

Estimated quantity of water needed: 9.2  cubic feet per second  gallons per minute  acre-feet

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

Briefly describe: Collect Run-off, and use as  
balge in system for existing water right.  
Cert # 15760

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

### Receipt for Request for Land Use Information

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

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

✓ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the YCZO

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
	RECEIVED	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
	MAR 17 2009	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
	WATER RESOURCES DEPARTMENT SCALE 1/2" = 1' 0"	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

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

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Name: Stephanie Armstrong Title: Planner  
 Signature: [Signature] Phone: 513-434-7516 Date: 3/17/09  
 Government Entity: Yamhill County

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

**Receipt for Request for Land Use Information**

Applicant name: Timothy C. Kreder Suzanne E Kreder  
 City or County: Yamhill County Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

RPC

Form A-1-60-1-6

State Printer Dept. 3381

STATE OF OREGON  
COUNTY OF YAMHILL  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ADWIN C. RUTSCHMAN**

of **Route 2, Dayton**, 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 **Unmanned Spring Creek** a tributary of **Palmer Creek** for the purpose of irrigation under Permit No. **15554** 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 **July 23, 1913**

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 **0.14** 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 $\frac{1}{4}$  NE $\frac{1}{4}$** , Section 13, Township 5 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-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,

1913 JUN 7 1919

and shall conform to such reasonable rotation systems 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:

**11.0** acres in **NE $\frac{1}{4}$  NE $\frac{1}{4}$**   
Section 13  
T. 5 S., R. 4 W., W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows: Beginning at the Northeast corner of Section 13, in Township 5 South, of Range 4 West of the Willamette Meridian, in Yamhill County, State of Oregon; and running thence South on Range line 13.32 chains; thence West 60 chains; thence North 13.32 chains to the North line of Section 13; thence East along said North line of Section 13, 60 chains to the place of beginning, and containing 79.92 acres of land, more or less.

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 **30th** day of **June**, 19**19**.

**CHAS. E. SWENDELL**  
State Engineer

Order Number: 6521

**Western Title & Escrow**  
 1215 NE Baker  
 McMinnville, OR 97128

Timothy C. Kreder  
 Suzanne E. Kreder  
 1301 NE Hwy 99W #163  
 McMinnville, OR 97128

Same as Above

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$31.00

200807838

11:06:37 AM 5/06/2008

DMR-DDMR Crt=1 Str=3 SUSIE  
\$10.00 \$10.00 \$11.00

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

Hulda L. Rutschman

Grantor(s) convey and warrant to

Timothy C. Kreder and Suzanne E. Kreder, , as tenants by the entirety, Grantees the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Account No(s): 194738

Map/Tax Lot No(s): R5413-00100

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$~~200~~0,000.00. (Here comply with requirements of ORS 93.030.) \*

MAY 17 2008

WESTERN TITLE & ESCROW 052-1

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

\*THE PROPERTY DESCRIBED HEREIN HAS BEEN ASSESSED UND FARM AND/OR FOREST TAX DEFERRAL. DISQUALIFICATION MAY RESULT IN ADDITIONAL TAXES AND INTEREST BEING LEVIED

Executed this 5 day of May, 2008

*Hulda L. Rutschman*  
Hulda L. Rutschman

State of Oregon, County of Yamhill ) ss.

This instrument was acknowledged before me on this 5 day of May, 2008 by Hulda L. Rutschman

*Kim Dunckel*

Notary Public for Oregon



TK 5-5-08  
SL 5-5-08

**EXHIBIT "A"**

**Beginning at the Northeast corner of Section 13 in Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, State of Oregon and running thence South on Range line 13.32 chains; thence West 60 chains; thence North 13.32 chains to the North line of Section 13; thence East along said North line of Section 13, 60 chains to the Place of Beginning;**

**EXCEPTING THEREFROM from the above the following:**

**Beginning at the Northwest corner of the Jacob Smith Certified Claim, said corner also being the North line of Section 13, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, State of Oregon; thence South 89°53'52" East along the North line of said Section 13 a distance of 1,226.67 feet; thence South 00°06'08" West, 887.77 feet; thence North 89°53'52" West, 1,226.67 feet; thence North 00°06'08" East 887.77 feet to the Point of Beginning;**

**TOGETHER WITH a Non-exclusive roadway easement described as Parcel B in that certain Easement recorded May 11, 1966 in Film Volume 52, Page 847, Yamhill County Records.**

**WT&E  
1354-6**

MAR 17 2008

RECORDS

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0

VCL 52 PAGE 847  
EASEMENT

MAR 17 2000

KNOW ALL MEN BY THESE PRESENTS that ALVIN CHRISTIAN RUTSCHMAN and HULDA LILA RUTSCHMAN, husband and wife, hereinafter called the "GRANTOR", for and in consideration of Ten Dollars and other valuable consideration to them paid by PACIFIC NORTHWEST BELL TELEPHONE COMPANY, a Washington corporation, hereinafter called the "GRANTEE", does hereby give and grant unto the said GRANTEE, its successors and assigns, easements on, over and across GRANTOR'S lands situated in the County of Yamhill, State of Oregon, more particularly described and for the purposes as follows:

1. PARCEL A: Radio Station Site

An easement for the purpose of installing, maintaining, repairing and replacing a radio station and other communications equipment, said easement to be identified with the following described lands, to wit:

Beginning at a point which is 839.77 feet North and 472.79 feet West of the Northeast corner of the Walnut Hills Subdivision No. 2 in Section 13, T5S, R4W, Yamhill County, Oregon; thence N.89°28'W. 210.00 feet; thence S.00°32' W. 210.00 feet; thence S.89°28'E. 210.00 feet; thence N.00°32'E. 210.00 feet to the point of beginning and containing 1.012 acres, more or less.

for so long as the GRANTEE, its successors and assigns, shall have need of the same in or in connection with its business;

2. PARCEL B: Access Road R/W

An easement for a non-exclusive access road right-of-way, appurtenant to PARCEL A, with the right to construct, reconstruct, provide adequate drainage, surface and maintain said access road right-of-way which is described as follows:

A right-of-way thirty (30) feet wide for an access road the centerline of said right-of-way being described as follows:

Beginning at a point on the South line of Parcel A herein said point being Twenty Three (23) feet East of the Southwest corner of said Parcel A; thence on a curve with a



MAR 17 2009

VOL 52 PAGE 848

radius of 75 feet a distance of 52 feet; thence S. 0°38'E., 503.15 feet; thence on a curve with a radius of 75 feet a distance of 118.41 feet; thence S.89°55' E. 690.10 feet; thence on a curve with a radius of 75 feet a distance of 121.24 feet; thence N.1°20' W. 504.40 feet; thence on a curve with a radius of 150.0 feet a distance of 105.06 feet; thence N.38°48'E., 187.5 feet; thence on a curve with a radius of 100.0' a distance of 90.50 feet; thence S.89°25' E. 2,302.6 feet; thence on a curve with a radius of 150 feet a distance of 196.4 feet; thence S.14°23' E. 150.30 feet; thence on a curve with a radius of 50.0 feet a distance of 68.1 feet; thence N.87°35' E. 264.50 feet which point is the junction of the right-of-way with the centerline of Oregon State Highway known generally as the Dayton-Hopewell Road.

for so long as GRANTEE, its successors and assigns, shall have need of the same in or in connection with its business.

A map showing the details of Parcel A and B has been provided by a licensed surveyor and a copy of said map is in possession of Grantor.

IN CONSIDERATION of the grant of the foregoing easements to GRANTEE and the payments made hereunder by GRANTEE to GRANTOR, the parties hereto agree as follows:

1. GRANTEE shall have the right at all times to remove any equipment and facilities it may locate thereon from PARCEL A.
2. Detail plans for construction of the access road described in PARCEL B shall be approved by GRANTOR and all costs associated with work performed on the road, authorized by GRANTEE, shall be paid for by GRANTEE.
3. GRANTEE, at its own cost and expense, shall place any gates or standard cattle guards as may reasonably be required by GRANTOR.
4. GRANTEE assumes all liability for damage to adjacent lands owned by GRANTOR, including damage by fire, when said damage is attributable to the operations of the GRANTEE, its employees or agents.

Vol 52 pg 849

- 5. GRANTEE shall have the right to place such fence or fences and gates as it may require on and around PARCEL A.
- 6. GRANTOR shall at all times have the right to use the roadway described in PARCEL B and to pass over, at any time, any unfenced portion of PARCEL A, providing that said action shall not interfere with or cause damage to any buildings, structures, equipment or other facilities which GRANTEE may locate thereon.
- 7. GRANTOR shall pay any and all real property taxes and assessments which may be levied upon said premises, provided GRANTOR shall not be required to pay any increase in taxes because of improvements made or facilities added to the premises by and for the use of GRANTEE. Such taxes as may be levied against the buildings, structures or other facilities erected or placed on the premises by GRANTEE shall be considered as a personal levy against GRANTEE and shall be paid by GRANTEE.
- 8. GRANTEE shall keep said premises free and clear of all mechanic's liens and any and all other liens for labor and materials used in or on said premises by GRANTEE.
- 9. Upon final termination of the use or need of the rights granted herein, GRANTEE shall notify GRANTOR in writing of such termination and shall execute such instruments as may be necessary to extinguish such rights of record. All buildings and improvements remaining on the premises 90 days after said termination shall be and become the property of GRANTOR.

IN WITNESS WHEREOF GRANTOR has affixed their signatures this            day of            , 1966.

*Alvin Christian Rutschman*  
Alvin Christian Rutschman

*Hulda Lila Rutschman*  
Hulda Lila Rutschman

MAR 17 2008

Approved as to Form  
By *Loyd E. Farnell*  
Attorney for  
Pacific Northwest Bell Telephone Company

NO: 52 148 850

STATE OF OREGON }  
County of Multnomah }

SS

On this 18th day of May, 1966, personally appeared the above named ALVIN CHRISTIAN RUTSCHMAN and HULDA LILA RUTSCHMAN, husband and wife, who acknowledged the foregoing instrument to be their voluntary act and deed.

Richard H. Perry  
Notary Public for: Oregon  
My Commission Expires: June 26, 1966

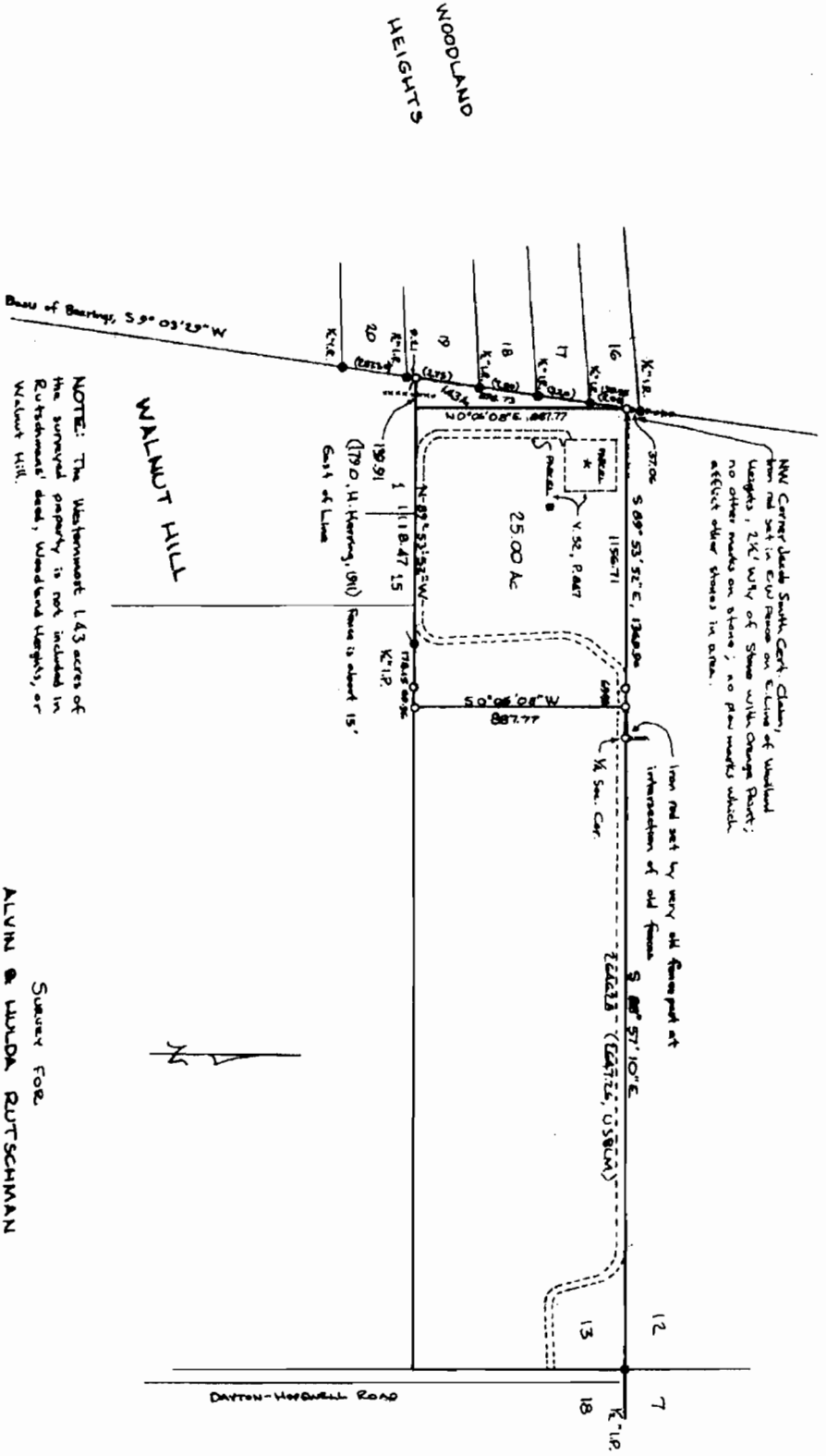
84098  
County of Multnomah  
I, Richard H. Perry, Notary Public for Oregon, do hereby certify that the foregoing instrument was duly acknowledged before me on this 18th day of May, 1966 at 9:00 o'clock A.M. in the County of Multnomah, State of Oregon.  
JACK RUTSCHMAN, County Clerk  
David Hall Deputy

RECEIVED  
MAY 17 1966

D. H. DOTY  
REAL ESTATE



PACIFIC NORTHWEST BELL  
PORTLAND, OREGON  
AREA CODE 503 - 226-3631



NOTE: The Westment 1.43 acres of the surveyed property is not included in Rutshman's deed; Walnut Heights, or Walnut Hill.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
ALVIN R. RUTSCHMAN  
OREGON  
WILLIAM H. SHULL  
9 079

AZIMUTH SURVEYING & ENGINEERING  
No. 78-2 344-0012

Survey For  
ALVIN & WANDA RUTSCHMAN  
in Sec 13, Twp 5 S, Rng 4 W, W.M.  
Yamhill County, Oregon

● Monument Found  
○ 3/8" Iron Rod Set  
( ) Record

January 26, 1978

Record 3 1978

R-8742  
#9

8-12-68  
10C

VOL 66 PAGE 170  
DISTRIBUTION LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Alvin C. Rutschman and Hulda Lila Rutschman  
(husband and wife)

(hereinafter called "the Grantors," whether one or more than one), for and in consideration of the payment of the sum of One and no/100 ----- Dollars (\$ 1.00 ), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Portland General Electric Company, an Oregon corporation,

(hereinafter called "the Grantee," whether one or more than one), its successors and assigns, a perpetual easement and right of way over, under and across the following described parcel of land situated in Yamhill County,

Oregon, being a strip of land 10 feet in width, extending 5 feet on each side of a center line more particularly described as follows:

Extending from Portland General Electric Company pole #C53-7/537 on State Secondary Highway #154, approximately 4160 feet south of Yamhill County Road #469, and extending thence a distance of approximately 3750 feet west across the lands of the Grantors in Section 13, Township 5 South, Range 4 West, of the Willamette Meridian, as recorded in Volume 176, page 436 of the Yamhill County Deed Records.

No. 91695  
Filed Feb 21 1968  
JACK BEELER, COUNTY CLERK  
By Diana Kelly Deputy  
157  
9:36 P.M.

B.S.E.  
Muehling.

TO HAVE AND TO HOLD the above described easement and right of way unto the Grantee, its successors and assigns, together with the present right to top, limb or fell trees located on land owned by the Grantors, adjacent to the above described right of way, which danger trees will be determined by the Grantee.

Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild, operate and patrol electric power lines, including the right to erect such poles, wires, cables, guys, supports and appurtenances as are necessary thereto, together with the present and future right to clear said right of way and keep the same clear of brush, timber, structures and fire hazards, including the right to restrict the growth of trees and brush on said right of way by the use of chemical sprays.

Grantors shall have the right to use the lands subject to the above described easement for all purposes not inconsistent with the uses and purposes herein set forth, except Grantors shall not build or erect any structure upon the right of way without the prior written consent of the Grantee.

If the Grantee, its successors and assigns, shall fail to use said right of way for the purposes above mentioned for a continuous period of five years after construction of said power lines, then and in that event this right of way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

The Grantors, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges herein granted.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this 21<sup>st</sup> day of February, 19 68.

x Alvin C. Rutschman (SEAL)  
x Hulda L. Rutschman (SEAL)  
\_\_\_\_\_  
\_\_\_\_\_  
(SEAL)  
(SEAL)

MAR 17 2009

STATE OF OREGON }  
County of Yamhill } ss.

On this 21<sup>st</sup> day of February, 19 68, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Alvin C. Rutschman and Hulda Lila Rutschman

(husband and wife)  
to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.



Henry M. Carney  
Notary Public for Oregon  
Sept 29 1969  
My commission expires

R-07421



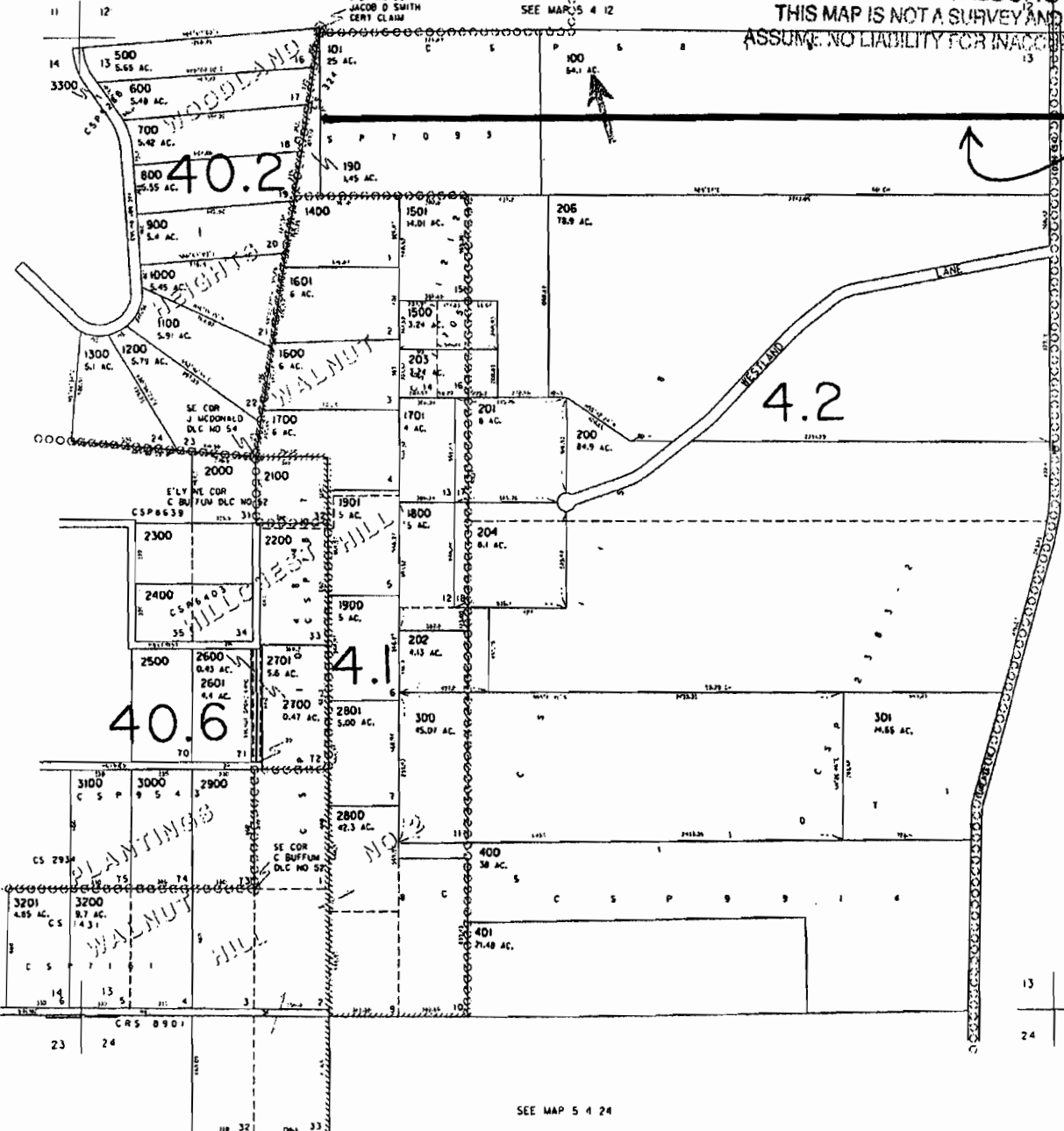
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 13 T5S R4W W.M.  
YAMHILL COUNTY

5 4 13

COMPLIMENTS OF  
WESTERN TITLE & ESCROW CO.  
THIS MAP IS NOT A SURVEY AND WE  
ASSUME NO LIABILITY FOR INACCURACIES

CANCELLED  
205



Approximate  
location of  
Vol 66  
Page 170

SEE MAP 5 3 18

SEE MAP 5 4 24

13	18
24	19

5 4 13

11/13/17/2018

VOL. 70 and 773

*June*

THIS INDENTURE OF EASEMENT, made and executed this 8th day of June, 1968, by ALVIN RUTSCHMAN and HULDA RUTSCHMAN, husband and wife, "grantors", to CLAIR L. STRINGER and OLGA E. STRINGER, husband and wife, "grantees",

WITNESSETH:

WHEREAS, grantees are the owners of real premises more particularly described in deed recorded in Volume 42, Page 216, Yamhill County Deed Records, which said premises are bounded on the West side by the Hopewell-Salem Highway, and

WHEREAS, grantors own those certain real premises situate in Yamhill County, Oregon, immediately adjacent to the above described real premises of the grantees on the West side of said Hopewell-Salem Highway, and

WHEREAS, grantees are in the process of constructing a dam on Holdredge Creek on their above described premises at a point approximately 2700 feet East of the point where said creek is crossed by the Hopewell-Salem Highway, which dam may on occasions impound water in and along said creek upon said premises of the grantors, now, therefore,

KNOW ALL MEN BY THESE PRESENTS that grantors do hereby grant and convey to grantees, their heirs and assigns, a permanent easement to flood and impound water in and along said creek on premises of the grantees hereinabove mentioned, to a water level of not to exceed 106 feet, basing said measurement on the invert or bottom of the present 4' x 6' culvert on said creek and under said Hopewell-Salem Highway which is assumed to have a height of 99 feet, that is, this easement shall permit the raising of the water for a height of 7 feet above the point at which the water commenced to run through said culvert.

TO HAVE AND TO HOLD said permanent easement to said grantees, their heirs and assigns, forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None.

WITNESS grantors' hands this 8th day of June, 1968.

*Alvin Rutschman*  
*Hulda Rutschman*

MAR 17 1968

2-87421

MAR 17 2009

VOL 70 PAGE 777

The foregoing easement is hereby approved and released from the mortgage to the undersigned recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Yamhill County Mortgage Records, said mortgage otherwise to remain in full force and effect, but to be subject to said easement.

FEDERAL LAND BANK OF SPOKANE,  
A CORPORATION,

By \_\_\_\_\_  
By \_\_\_\_\_

STATE OF OREGON, }  
County of Yamhill. } ss.

June 18, 1968.

Personally appeared the above named ALVIN RUTSCHMAN and HULDA RUTSCHMAN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]  
Notary Public for Oregon  
My Commission Expires:  
Aug. 27, 1969

STATE OF \_\_\_\_\_ }  
County of \_\_\_\_\_ }

\_\_\_\_\_, 1968

Personally appeared \_\_\_\_\_ and \_\_\_\_\_ who, being duly sworn, each for himself and not one for the other, did say that the former is the \_\_\_\_\_ and that the latter is the \_\_\_\_\_ of Federal Land Bank of Spokane, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

STATE OF OREGON, }  
County of Yamhill. } ss.

95055

Before me: \_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

I, JACK BEELER, County Clerk in and for said County and State, do hereby certify that the within Instrument of Writing was received and has been by me duly recorded on Page 70 of Volume 777 of the Records of Yamhill County for said County, on this 27 day of June, A. D. 1968, at 12:45 o'clock, P.M.

In testimony whereof, I have hereto subscribed my name and affixed my Official Seal.  
JACK BEELER, County Clerk  
By Carol Myers Deputy



# 11 R-8742

MAR 17 2000

WARRANTY DEED

FIL 108 PAGE 157

KNOW ALL MEN BY THESE PRESENTS, That ALVIN C. RUTSCHMAN and HULDA LILA RUTSCHMAN, husband and wife, hereinafter called the grantors, for the consideration hereinafter stated to the grantors paid by RICHARD SCOTT CALVERT and NANCY G. CALVERT, husband and wife, hereinafter called the grantees, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said grantees, AS TENANTS BY THE ENTIRETY, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of YAMHILL, State of OREGON, described as follows, to-wit:

Recorded by  
Pacific Northwest  
Title Insurance Company

Beginning at the Northwest corner of the Jacob Smith Certified Claim, said corner being also on the North line of Section 13, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 89°53'52" East along the North line of said Section 13, a distance of 1226.67 feet; thence South 00°06'08" West 887.77 feet; thence North 89°53'52" West 1226.67 feet; thence North 00°06'08" East 887.77 feet to the point of beginning, containing 25.00 Acres.

TOGETHER WITH a non-exclusive roadway easement 30.00 feet in width to provide access over the existing road from the Dayton-Hopewell Road to the East line of the above-described parcel, said easement being a part of the easement way described as Parcel B in Volume 52, Page 847, Deed Records of Yamhill County, Oregon.

SUBJECT TO the terms of the Easements granted by Alvin Christian Rutschman and Hulda Lila Rutschman, husband and wife, to Pacific Northwest Bell Telephone Company as recorded in Volume 52, Page 847, Deed Records of Yamhill County, Oregon.

RESERVING unto the Grantors the permanent right to use the existing roadway on the easement way described in said Volume 52, Page 847, for access to Lot 1, Walnut Hills Subdivision No. 2, Yamhill County, Oregon.

SUBJECT TO:

- (1) Easement for power line to Portland General Electric Company dated February 21, 1968, recorded February 21, 1968, Film Volume 66, Page 170, Deed Records for Yamhill County, Oregon.
- (2) Easement to flood and impound water dated June 8, 1968, recorded June 28, 1968, Film Volume 70, Page 776, Deed Records for Yamhill County, Oregon.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, AS TENANTS BY THE ENTIRETY, their heirs and assigns forever.

And grantors hereby covenant to and with grantees, and the heirs of the survivor and their assigns, that grantors are lawfully seized in fee simple of the above granted premises, free from all

DEARMOND, SHERMAN & BRYAN  
ATTORNEYS AT LAW  
Post Office Box 2247  
687 Court Street N.E.  
SALUM, OREGON 97108  
503/364-2281

encumbrances, EXCEPT liens and encumbrances, including taxes, attaching by or through the grantees herein subsequent to February 1, 1978 and that grantors will warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$50,000.00.

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

R. S. Calvert  
1742 Madras, S.E.  
Salem, Oregon 97302

IN WITNESS WHEREOF, grantors have executed this instrument this 14<sup>th</sup> day of March, 1979.

Alvin C. Rutschman  
Alvin C. Rutschman

Hulda Lila Rutschman  
Hulda Lila Rutschman

1979 MAR 17 2:03

STATE OF OREGON )  
                  ) ss.:  
County of Marion )

On this 14<sup>th</sup> day of March, 1979, personally appeared the within-named ALVIN C. RUTSCHMAN and HULDA LILA RUTSCHMAN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Charles L. Clark  
Notary Public for Oregon  
My Commission Expires: 5/15/81



STATE OF OREGON )  
County of YAMHILL ) ss. 6 CW  
02365

I, Wanda Cull, County Clerk in and for said County and State, do hereby certify that the within instrument of Writings received and has been by me duly recorded on Page 57 of File No. 138 of the Records of Yamhill County, Oregon, on this 16 day of March, 1979.

In testimony whereof, I have hereunto subscribed my name and affixed my Official Seal  
Wanda Cull, County Clerk  
By Wanda Cull  
Deputy

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